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**SALVAGE TIMBER AND FOREST
HEALTH—PART II**

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Salvage Timber and Forest Health-Pa...

HEARINGS

THE
TASK FORCE ON SALVAGE TIMBER
AND FOREST HEALTH
OF THE
COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

**THE IMPORTANCE OF SALVAGE TIMBER TO LOCAL COMMUNITIES,
THEIR EXPERIENCE WITH FEDERAL TIMBER LAWS, AND EXAM-
INATION OF THE EFFECT THAT PUBLIC LAW 104-19 HAS HAD ON
SALVAGE TIMBER SALES**

OCTOBER 24, 1995—WASHINGTON, DC
NOVEMBER 4, 1995—MEDFORD, OR

Serial No. 104-45

Printed for the use of the Committee on Resources



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OVERSIGHT HEARINGS BEFORE THE TASK FORCE ON SALVAGE TIMBER AND FOREST HEALTH OF THE COMMITTEE ON RESOURCES HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTH CONGRESS FIRST SESSION ON

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¹ No Minority Members were recommended for appointment to the Task Force by the Ranking Minority Member of the Full Committee. All Minority Members of the Full Committee were notified of each hearing and were welcome to participate.

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SALVAGE TIMBER AND FOREST HEALTH

TUESDAY, OCTOBER 24, 1995

**HOUSE OF REPRESENTATIVES, TASK FORCE ON SALVAGE
TIMBER AND FOREST HEALTH, COMMITTEE ON RE-
SOURCES,**

Washington, DC.

The task force met, pursuant to call, at 1:35 p.m., in room 1324, Longworth House Office Building, Hon. Wes Cooley [chairman of the task force] presiding.

STATEMENT OF HON. WES COOLEY, A U.S. REPRESENTATIVE FROM OREGON, AND CHAIRMAN, TASK FORCE ON SALVAGE TIMBER AND FOREST HEALTH

Mr. COOLEY. I want to call to order the Task Force on Timber Salvage and Forest Health. I have a few things I would like to say up front so everybody knows what the rules are. We are going to be sworn under oath today in the testimony. I want everybody to know that. All committees will be sworn. All panels will be.

We are finding a lot of discrepancy in factual information, and I think this will change the course in the testimony and in the future in these hearings. As you can tell, we are being, let us say, not readily attended by all members involved in this process. I think they feel that if they don't attend nothing will happen. Something is going to happen. Now, we are going to get a handle on this, and we are going to find out why the law is not being implemented.

Our task when we passed this timber salvage legislation in Public Law 104-19 was to expatiate, to help increase the flow, and draw attention to the necessity to clean out the dead and dying timber. We wanted to give a method to the Forest Service which would allow them to do that. Under existing laws it just isn't working. So that is the reason for these hearings, and we will proceed.

By the way, I am going to ask for unanimous consent that Mr. Riggs, who is not on the committee, be allowed to sit on the dais and participate as if he were a member of the task force for today's proceedings. Hearing no objections, it is ordered.

This is the third task force hearing on timber salvage. We are studying an implementation of the new timber salvage law. The invited witnesses have experience with the new law and the salvage conditions that are in our national forests. We look forward to testimony from all of them on both sides of the issue.

This Washington, DC, hearing was set and reset four times. First was for September 19; then for September 26; and then again on

October 12, and it is finally now occurring. And these delays were, in part, from continued delays by the Administration.

For the record, we did invite several witnesses from the environmental perspective. We asked environmental groups for witnesses and recommendations as we did in Lewiston, Idaho; Redding, California; as well as here in Washington, D.C. I want to thank the Western Ancient Forest Campaign for their assistance. As usual, we also ask the minority for their witness recommendation. As you can see, we have no one here from the minority.

Unfortunately, the environmental group witnesses aren't able to be here for various reasons. They all may have the flu. And I won't go into naming any particular group so we have a full array, and they will be in the record. Although some tried to discredit our task force witnesses for being unbalanced, that is not the case. We have had substantial participation from environmental groups at all of our field hearings.

And, in fact, actually at one of the field hearings we made very sure that one-third of all participating witnesses were from the environmental community, and we have been very successful except that did not happen here in Washington. We will keep the hearing record open for two weeks so that witnesses who cannot be here may submit written testimony for the record. We very much want to hear from all prospective people and groups about this issue.

I understand that Mr. Gaede will testify for the Administration. The other witnesses from the EPA, BLM, Fish and Wildlife Service, and the NMFS will be available for questions. For the record, we did ask all of the agencies to submit their own testimony, but the CEQ or the OMB decided they would only allow one piece of written testimony from the Administration. This is interesting, given the fact that we long ago announced the hearing, that all the agencies signed the MOA which was supposedly designed to implement the new salvage law.

I appreciate the Forest Service testimony in Lewiston and Redding, and I realize the tough position that the regional foresters were put into in those hearings. In Lewiston, we did not put them under oath. In Redding we did, and we found some very, very interesting answers as people will read the transcript of that hearing.

We have all come away from our two field hearings realizing that discretion to implement the salvage bill's intent by the Congress has been withheld from the regional forests and the forest supervisors. While the law gives direction to the Secretary to respond using an expatiated review process, a combined environmental assessment under EPA, and the biological evaluation under the Endangered Species Act, the Administration has still kept all the other procedures and requirements in place which has drastically slowed down the process, and it really has circumvented the legislation.

In fact, salvage harvest often benefits the environment because it helps to remove fuel for fires. It also really does good forest health and improves forest health. Congress provided expatiated authority, and we want the field personnel to have the discretion to use it. I hope that the Administration witnesses will speak to that issue.

With that, I would yield to the ranking minority member for an opening statement except there is none so we will not have an opening statement by the minority group. Opening statements for the task force members will be put out on the record, and I will call the first panel witnesses. Would they please take their seats?

And by the way, as you are coming up, the first panel is Mr. Nelson, Mr. Johnson, and Bowden. The light system is here. The green light gives you five minutes, the yellow light is a one-minute warning, and the red light you would cease your testimony. If any member of the panel would like additional time, more than five minutes, I would like to be notified before the start. I would like you gentlemen to rise and raise your right hand.

[Witnesses sworn.]

Mr. COOLEY. So noted that all witnesses answered in the affirmative. The floor is yours, Mr. Nelson.

STATEMENT OF BARRY NELSON, RESOURCE MANAGER, OMAK WOOD PRODUCTS, OMAK, WASHINGTON

Mr. NELSON. Thank you, sir. My name is Barry Nelson. I am the Resource Manager at Omak Wood Products. We are one of the larger mills in central Washington. We employ 470 people, and we were purchased by our employees in 1989. Omak Wood Products and Longview Fibre harvest and merchandise more fire-salvaged timber than any other mills in Washington State. Therefore, I believe that we have the expertise necessary to answer your questions today.

After the disastrous fires of 1994, representatives of the wood products industry met with the U.S. Forest Service supervisors in Wenatchee and reinforced the need to remove the damaged timber as rapidly as possible. Our main reason was once that timber is dead the decay process starts immediately, be it through exposure, insects, or disease.

The 1989 Dinkleman fire was used as an example by both the Forest Service and the industry of good forestry and salvage logging. The Dinkleman fire burned extensive acreage in the same area that the 1994 fires were in. The removal was a combination of tractor, cable, and helicopter. The soil disturbance from these operations was minimal, and no long term problems developed.

Immediately after the 1994 fires, private timber owners processed their permits and removed the timber. Omak Wood Products logged between 15 and 20 million feet through the fall of 1994, winter and spring from private landowners. The stumpage from the damaged timber averaged \$240 to \$300 a thousand which competes with good, green prices.

By July, the logs were showing signs of severe damage from exposure of sun and insects. And I brought with me—this is an example of a C select worth \$1,500. This is from the core of a fire salvage log in July showing the disease of the blue stain which is the starting of the decay process and thoroughly riddled with bug damage.

So in July, Omak Wood Products chose to exit the fire salvage timber because we couldn't make it feasible anymore. We could not sell the product. Coincidentally, at the same time, the Forest Serv-

ice just came on line with their timber sales. The reception from industry was predictable; many sales received no bids.

In meetings with the Okanogan National Forest staff, we were told that even with the rescission bill, it would require up to 15 months to process any fire salvage timber due to resource inventory requirements, the National Environmental Policy Act, the National Forest Management Act, and the Clean Water Act. From our experience, salvage timber is not merchantable after 10 months.

Current laws and necessary reviews cause an excessive amount of time to process the forest salvage timber. We need a system where these drainages are preplanned. I am not advocating sidestepping the laws but preplan the fires such that when they happen, which is inevitable, they can implement a preprescribed plan and get this timber on the market while it means something.

The Thunder Mountain timber sale illustrates our frustration regarding salvage sales. On October 18, 1995, 15 months after the fire, the Thunder Mountain sale was scheduled for auction. No bidders were present from the industry. Even at \$4.24 a thousand, the minimum bid was not feasible. The review by Omak Wood Products showed that we would lose \$800,000 on the sale if we bid.

By the U.S. Forest Service appraisal, the Forest Service's own evaluation showed that anyone that bid on the sale would lose \$337,000. Yet, they still put it on the market, and that is another concern of the industry. By putting a sale on the market that is not feasible, they still get credit for timber that is part of their plan, and that much less is going to be available to the industry. We think that is kind of rubbing salt into the wound.

Thank you again for your interest in our industry. We do need to see some changes because of the billion feet of timber that was damaged this last year, about 10 percent was targeted for harvest. And of that 10 percent, due to delays, I think you are going to see between three and four percent ever harvested, and that is a tremendous loss to the industry and the taxpayers.

[The prepared statement of Mr. Nelson can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much for your testimony. Mr. Johnson.

STATEMENT OF D.R. JOHNSON, OWNER AND MANAGER, D.R. JOHNSON LUMBER COMPANY

Mr. JOHNSON. I am Don Johnson, owner and manager of the D.R. Johnson Lumber Company in Riddle, Oregon. We also have mills in eastern Oregon. Riddle is located in the southwestern part of the State.

I want to thank the Chairman for holding this oversight hearing on salvage timber. It has been nearly eight months since the first hearing on the salvage timber issue was held by this Resource Committee. I thought what you had done would be sufficient, but I did not foresee the level of opposition to the law from the Administration. In many ways, we are no better off than we were before.

When I presented by testimony last February, I made five points. They were, number 1, salvage timber harvests can be a plus for the environment; number 2, the system for offering sales in the Northwest is broken; number 3, only a small window of opportunity to

harvest salvage is available while it retains commercial value; number 4, production volume targets are needed; and, lastly, we need to get a handle on how much salvage timber is really out there.

Those were the points made then and I think for the most part are still valid today. This committee and the entire Congress passed legislation which was signed by the President in the Emergency Timber Salvage Amendment. The salvage amendment is a very workable piece of legislation which accurately addresses the problem. The way this Administration has interpreted the law and in many cases ignored it, it has done very little to implement most of what we feel was the intent of Congress.

Although the law is very clear on what was to be done, the Administration has not responded even though the Courts have told it to do so. It had been business as usual, and very little volume had been made available. Things have not changed on the ground.

One point needs to be highlighted so that everybody understands where the problems lie. The forestry personnel on the ground that we deal with generally want to be responsive. They have said on numerous occasions that if the Washington office would give them permission to use the authorities in the salvage law, they could save a substantial amount of resource. It seems very clear that top leadership in the Forest Service, in the Secretary's office, and the White House do not want to harvest salvage timber.

Very little stability has been gained from the current directives coming out of Washington to the field. More mills are closing, and more hard workers are losing their jobs. This Administration does not seem to care.

Contrary to what the President said in his June 29, 1995, letter to Speaker Gingrich which I quote: "I am pleased to be able to address myself to the question of the Emergency Salvage Timber Sale Program in H.R. 1944. I want to make it clear that my Administration will carry out this program with its full resources and a strong commitment to achieving the goals of the program."

And later in the letter President Clinton states: "The agencies responsible for this program will, under my direction, carry the program out to achieve the timber sales volume goals in the legislation to the fullest possible extent. The financial resources to that are already available through the timber salvage sale fund."

What they say and what they do are entirely different. The complex system the Administration has set up does nothing but produce more paperwork, more studies, and more confusion. It claims to be just following the law, and what is produced will stand all the Court challenges and meet its environmental goals. If its goal is to stop salvage timber harvest and not offer other timber, it has been successful. Every day that is lost means additional salvage timber volume becomes nonmerchantable.

The current policy of this Administration is dictated by Option 9. We must keep in mind and fully understand that Option 9 is not a law. It is a plan pulled together by the agencies with a screening process designed to answer every environmental critic's concern. It has not worked, it cannot work, and in my opinion will never work.

What should we do? I have several suggestions the committee may wish to consider. First, Congress needs to have a very active

oversight program to keep everyone informed of the status of the salvage program. The formation of the Salvage Task Force is a big step in the right direction.

Under Congressman Cooley's leadership, it will be in good hands since he understands the problems that we all are facing and the impact it is having on the ground. The task force must get a handle on just what the Forest Service is doing or failing to do and develop some hard numbers.

Second, Congress needs to develop and pass a long term salvage program that has teeth. I know the volume requirements were dropped from the emergency salvage bill, but they are needed if we want salvage timber volume produced.

The business-as-usual attitude of the Forest Service has to be changed, and I do not feel that will happen unless it is given firm direction from Congress and a change in key players managing the programs. Also, any long term program needs to be carefully written so it does not end up being tied up in red tape and Court decisions.

In closing, I would like to thank the committee for doing so much in such a short time. Hang in there and keep up the good work. What we all are trying to accomplish with the salvage timber program makes sense, not only from a forest health standpoint, but from an economic and environmental standpoint as well. Thank you.

Mr. COOLEY. Thank you very much, Mr. Johnson. Mr. Bowden.

**STATEMENT OF DAVID BOWDEN, SENIOR VICE PRESIDENT,
LONGVIEW FIBRE COMPANY, LONGVIEW WASHINGTON**

Mr. BOWDEN. My name is Dave Bowden, and I am Senior Vice President-Timber, Longview Fibre Company. Forests in Chelan County, Washington, are a showcase of the forest health problems and the catastrophic fire risks created by a fuel buildup over the past 70 years. Most of the interior western forests duplicate this condition.

The forests are in an unnatural, overstocked condition, and wildlife biologists who do not understand or ignore the dynamics of this forest ecosystem are using existing regulations to keep these forests in this State by preventing timber harvest. The forest and wildlife habitat will both be destroyed if this regulatory nightmare is not changed.

The forest products industry in the Pacific Northwest desperately needs the wood from the salvage sales but only if this wood is of a quality that will produce a product and if the cost of the wood is economic. Many recent salvage sales have not received bids because of excess logging costs or because they did not offer usable products due to delays in putting the sales up for bid.

The Longview Fibre Company manages 560,000 acres of land in Oregon and Washington, and 60,000 acres of this is intermingled with the Wenatchee National Forest. Federal land management practices not only affect the Federal lands, they affect those of us that own private lands intermixed with them.

Chelan County fire history—there was a 120,000 acre fire in 1970, a 55,000 acre fire in 1988, and over 180,000 acres in 1994. In those last two fires, Longview Fibre Company lost approxi-

mately 15,000 acres of their lands from the fires in those national forests. Twenty-five years of fire history in Chelan County, Washington, proved beyond a doubt that if areas are not salvaged, we are in for reburns, and reburns create incredibly more environmental damage to wildlife habitat, water resources, and any economic value of the forest.

The Forest Service plans for the Wenatchee Forest are to harvest about 12 to 15 percent of the total burn volume. This effort will leave tens of thousands of acres overloaded with dead trees in a situation that invites more insect outbreaks and more intense reburns in the future.

Longview Fibre salvaged 85 percent of the 9,000 acres that were burned on their land already, and probably would have been done with the salvage except for delays created by burned out spotted owl nest sites. We have removed 38 million feet of timber with a value of about \$7 million. We lost far more than that in young growing stock and future resource.

What do we do about the problem? Number 1: We need an adequate, aggressive fire protection system that will put out fires. Until we solve the problems of this overstocked fuel loading in western forests, the most important thing is to prevent more of these large runaway fires. If we can keep the forests green instead of black, there is a lot more economic possibility to clean up and solve the problem.

Number two: the very regulations that are supposed to provide environmental protection to water and wildlife resources are the single biggest barrier to preventing complete ecosystem destruction in these interior forests. Option 9 does not recognize forest health or fire risks. We need to amend these regulations and redirect the Forest Service to solve the excess fuel loading conditions of burned forest with an immediate salvage program based on economically feasible conventional logging systems.

Reduction of fuel loading in overstocked green stands is of equal importance and has the advantage of working with higher-valued products where we have a chance of recovering the material that needs to be removed. The forest products industry can accomplish this needed task with minimal environmental risk, and the Forest Service needs the expertise and help of foresters and engineers from outside the agency to accomplish this goal. An agency dominated by people who do not understand or ignore forest dynamics cannot get the job done.

These forests will change with or without our intervention. Working together, we have the technology and expertise to manage this change. I urge the committee members to visit the salvaged areas of Longview Fibre in Chelan County, Washington, to see that environmental-sensitive salvage operations are possible, and they are the answer.

In our operations, we have not only accomplished our salvage, but we started the planting of over 1 million seedlings last week. And I will guarantee you that over the next decades these lands that have been salvaged and planted and restored quickly are going to be in a better condition than the unburned, unsalvaged lands next door.

\$75 million was spent fighting fire last summer, and \$18 million was spent on questionable erosion control in Chelan County, Washington. Even after all of this, we still have a forest over there that is an extreme fire risk. Wildlife winter range was destroyed, spotted owl nest centers were destroyed, and we are no better off than we were before those fires. If anything, the risk of reburns is greater now because of the incredible amount of fuel out there on those unsalvaged areas. Thank you.

[The prepared statement of Mr. Bowden can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much. I appreciate the testimony by the panel. We are going to go a little out of order because some of our members are jumping back and forth between Appropriations and a couple other committees. So I am going to let Mr. Hastings ask the first set of questions, and then we will revert back to regular order right now. Mr. Hastings.

Mr. HASTINGS. Thank you, Mr. Chairman. I appreciate the consideration. This question is for Mr. Nelson. We had a conversation earlier on, but you stated in your testimony the timing matter, obviously, of getting the salvage out. And you suggested that a plan needs to be made prior to a fire. Would you elaborate on that process?

Mr. NELSON. Well, the industry has no objection to protecting the environment in the laws that are there. To try to follow those laws once the trees are damaged, you don't have the time, at least as it has been shown to us so far, to accomplish that.

So we would envision some preplanning that takes place, perhaps a matrix whereby the forests are divided into areas of degree of sensitivity, and then you could have another column of degree of severity of the burn. And where these two cross, if it is a very, very sensitive area, you might have a higher degree of protection required for the salvage of timber and on down the line.

It would make sense to me to have preplanning in place such as for the Dinkleman fire, that you could be in there within eight weeks after the burn and get that timber out of there and address all the environmental laws necessary. But the way it is working right now, with every fire which is inevitable, they are reinventing the wheel, and it just doesn't seem to make sense to me.

Mr. HASTINGS. Has that suggestion by you been offered to the Forest Service at all? Have you had discussions at least on a local level with them?

Mr. NELSON. The Forest Service right now is committed to doing things the way they are right now; not very concerned about doing anything different I guess for lack of other words.

Mr. HASTINGS. Let me ask that a different way. Under current law when there is a fire, then they have to go through several steps that you point out, and that was the reason why it took so long for them to get this done. You are suggesting that this could all be done ahead of time and probably be adequate or accurate in what percentage? What percentage do you think that would be accurate by preplanning all of this?

Mr. NELSON. That is difficult for me, but I would think that there could be some preplanning that would give you an 85 percent success story. And let us take an example then going back to the

one that both the industry and the Forest Service is using as success—the Dinkleman fire. There was no preplanning then. They used the best techniques at the time; went in and got the timber out. So if you went one step further and preplanned it, then I would think you could come out better yet.

Mr. HASTINGS. OK. You mentioned the industry several times. Do the associations that you belong with concur with what you just said here, that this may be a way to go, and has any industry association taken a position on this?

Mr. NELSON. Not to my knowledge. We are sort of at a loss right now. We are trying to see how the remainder of the fire salvage sales come out, and then we will try to deal with it. So I guess we are just sort of midpoint in the process right now.

Mr. HASTINGS. OK. Mr. Johnson, you heard that just briefly, what Mr. Nelson said. Would you concur that that is a way that we ought to proceed, with some legislation to get the Forest Service to preplan a little bit better?

Mr. JOHNSON. Well, I think anything that you can do to force them into getting trees in the ground quicker for whatever reason and get the salvage off the ground as quick as humanly possible is just common sense. Yes.

Mr. HASTINGS. OK. Mr. Bowden.

Mr. BOWDEN. I think there are two distinct problems, and one is the burned timber and the other is the green timber that hasn't burned, and there is no lack of urgency to get after this green timber that hasn't burned. And I think a high priority of the salvage program should be at least to break up these large, contiguous areas of overstocked forest to give some kind of a chance of controlling fires if we get fires.

That should be one of the immediate goals. The whole job can't be done quickly. It is going to take a lot of time to clean up a 70-year accumulation of fuels out there, but we better use our heads on how we break it up to hopefully prevent more catastrophic burns. When you drop from a \$250 value log down to maybe a \$40 value log because it is black and it is checked and the wood borers are in it, the economics of accomplishing the job are just very, very difficult.

We can't stand expensive logging—helicopter logging on this small log and pulp log. Yet, these fuels have to come off the ground, or the forest will simply reburn and cause greater damage. So get to the green and get the fuel concentrations broken up and try to get ahead of this problem that we have been seeing in Chelan County, Washington. Oregon has a worse problem since there is more dead timber in eastern Oregon than Chelan County, Washington, and the catastrophic fires are going to even be more difficult to control.

Mr. HASTINGS. Let me elaborate just on that point and ask the other members the same thing. I have had people in my office say that that is the proper way of nature, and that, in fact, dead trees don't become future fuel but actually add to the ecological balance of the forest.

I am of the opinion that fuel or trees that have died for a variety of reasons, whether because of fire or disease, become fuel for a future fire. There seems to be a difference, at least in what people

tell me. Give me your views on that. We will start with you, Mr. Bowden, and then go to Mr. Johnson and Mr. Nelson.

Mr. BOWDEN. What we are dealing with there is that the normal cycle of fires was a fairly short cycle historically, and pine trees, in particular, yellow pine and some of the larger Douglas fir, can stand some fire. They can handle a certain amount of fire.

But when we have had great success in fire control and we have let this accumulation of fuel build up immensely over time, we saw big fireproof yellow pines that were killed simply from the needle and cones that had accumulated under them. It has been, you know, such a long period of time since fire occurred, but we can't use controlled burning in a dense, overstocked stand that has so much fuel that it is going to kill the residual trees.

You can use controlled burning with great success if you manage fuels; if you remove some of the heavy fuels and burn the light fuels. There are a lot of good things that can be done with controlled burning. But we simply have a situation where there is too much fuel to use that technique without somehow removing some of that fuel.

Mr. HASTINGS. OK. Mr. Johnson, real quick on that, the observation principally that dead trees or dead timber becomes fuel for the future fire. Is that an observation?

Mr. JOHNSON. Of course. Anytime a tree falls, it dries out and will contribute to a major fire if it gets started in there. I think the key to the thing though is why can't we salvage that tree before it gets to that point. Anytime a tree dies and in most cases in the old growth, green trees even, they are in a process of the final stages of life, and they are going to come down.

And why can't we salvage that; make a product out of it; support the communities and make payrolls and generate revenue for the United States Treasury as well as the local communities and schools and all of those things. It doesn't make sense to anybody in the West anyway I don't think, but what you should go in and salvage those things. They should never let them get to that point.

Mr. HASTINGS. With your indulgence, Mr. Chairman, some people have taken a different view. That is why I am asking you specifically. Mr. Nelson, on the same question?

Mr. NELSON. OK. The people that are using fire as historically commonplace and a natural event only have half a story. Again, to play off of Dave's point, after 70 years of fire control, the natural fires used to come through in about a seven-year cycle and clean out the understory. We have been very aggressive, very successful. There is more understory there than has ever been historically.

So when a fire gets going, it has got fuels to be devastating. So it may in the view of some of the people who come to your office be a natural event, but it is not like it historically was; far more damaging. And as Mr. Johnson said, the only thing to do then is to get that fuel load out of there, either before the fires through some thinning process or darn sure afterwards.

Mr. HASTINGS. OK. Thank you and thank you, Mr. Chairman, for your consideration.

Mr. COOLEY. Yes, Mr. Hastings. Mr. Nelson, two things I wanted to ask you. Number 1 is you made the statement of why are salvage or sales of logging so high. Can you give us why we seem to

see a discrepancy between the bid price that the Forest Service puts out and what the industry itself feels the value?

Mr. NELSON. We traditionally use the winter to protect the soils in damaged area. We would log when the ground is frozen solid and protected by snows. The new trend now is that that is not suitable. Any logging in the area will disrupt the deer herds, and a lot of theory like that has changed how you address logging practices.

The cure-all right now seems to be the helicopter. Everybody wants the helicopters. When the Forest Service is under a lot of pressure from the antis, they say, "All right. We will helicopter it." Well, helicopters aren't readily available. They are extremely expensive, and they are often the difference between whether it is a feasible sale or not feasible. They require more costs on a salvage sale than on a green sale.

And when you are talking about a product that has a diminished value with extremely high costs such as a helicopter, whole tree logging as opposed to just the segments that you intend to merchandise, the combination is it is just totally unfeasible.

Mr. COOLEY. OK. And you made one other statement which I have not heard this before. You say that timber that is put up by the U.S. Forest Service that is not sold or has a no bid—goes into the pool as credit as sales against future board feet? Is that paraphrasing what you said?

Mr. NELSON. That is correct. I asked our local U.S. Forest Service representatives if these sales, specifically Thunder Mountain, are going to be credited to their plan, and they replied to the affirmative. And, again, by their own analysis, anybody that bids on that sale would have lost \$337,000. If you are going to put up a sale like that knowing full well there is no bidders and then credit it to your plan, we are really in trouble.

Mr. COOLEY. So can I assume from what you are telling me, and I will have to ask the agency this, of course, is that when we see a sheet that says that they have sold 20 million or there was 20 million board feet of salvage timber from this particular area, it doesn't really mean there was 20 million board feet. It could have only been actually seven or eight, but the rest could have been nonbid. Is that what you are saying?

Mr. NELSON. That is correct. It used to be based on volume actually sold, and somebody got in and started playing around. It is now volume offered.

Mr. COOLEY. Thank you very much. Mr. Johnson, according to the Forest Services that we have had these public field hearings on, they are putting up timber volumes on the market, and the industry is not bidding on this. I think this goes along with Mr. Nelson, but could you kind of elaborate on that statement, that you are not bidding on or the industry is not bidding on these sales?

Mr. JOHNSON. Well, those that don't receive bids, obviously, aren't economically able to operate them. There are huge losses as you have already heard. And, again, it is actually two things. One of it is a very, very poor quality of the very small timber that you can't make lumber or plywood out of. Certainly down in our area it is. And by this new screens, they can't cut the tree over 21 inches in diameter.

And so you end up with getting like a 10 million foot sale could end up with two or three million feet of net volume which is really what should be chargeable and has always been that way to what the forest sells. That is a big part of it.

The second part is, as I mentioned, the high price of logging and the helicopter approach to it. It is very, very costly to hire a helicopter, and, as already been stated, there isn't anywhere near beginning to be near enough helicopters available to do that, you know, and so that is the reason that, number 1, you have a deficit when you appraise it. Number 2, you can't buy it because you can't find a helicopter to log it, and it is a very short-term thing normally.

Mr. COOLEY. We have been told by some of the Forest Service people that when they get a no-bid on some allotments that they put out, they go back and rework it, and then sometimes the bids are let. Have you experienced that at all in your particular region six? Has that happened or occurred?

Mr. JOHNSON. That has happened, and the local people are willing to do that, and they do do that. In fact, in our area, there were two fire sales were put up here a short time ago, and they received no bids on either one of them. And it was for specifically the regions that we talked about.

The helicopter—the same ground—or required that to be done over what had already been catalogued a couple times before. This is the third entry. Of course, with a fire sale it was dead, but it had been logged—the same ground—twice before with a tractor and a yarder, and now then they are requiring helicopters.

Mr. COOLEY. So the Forest Service in some instances has went in and reevaluated the value of the timber, and then let the bid out again, and it has been bid on or not?

Mr. JOHNSON. Well, we haven't seen that happen. It hasn't been long enough yet in our area, but it has happened in the distant past all right.

Mr. COOLEY. But not recently though?

Mr. JOHNSON. No, not recently.

Mr. COOLEY. OK. Thank you very much. I have more questions, but my time is up, and I don't want to go over it because I am trying to keep everybody else to a set time. So you have lucked out, Mr. Bowden. Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman. Mr. Nelson, you spoke very briefly about the way sales are calculated—board feet that is either offered or sold, and that which is offered, even though it isn't sold, is calculated against the sale. When did that occur? When did that change occur, do you know, and how was it changed? Was it changed internally?

Mr. NELSON. I don't know the details on how. I just asked the specific question out of concern, and that was the response from the representatives from the Okanogan County or the Okanogan Forest Service.

Mrs. CHENOWETH. Mr. Bowden, I would like to ask you about the TEA method of appraisal or the Transaction Evidence Appraisal system that was initiated by OMB. Are you familiar with that?

Mr. BOWDEN. I am really not up on that question.

Mrs. CHENOWETH. Are you, Mr. Johnson?

Mr. JOHNSON. Yes. The Forest Service used to have a process where they would have taken the lumber and deducted and added and all this kind of stuff and come up with it. Now, they are using transactual evidence which says they take so many sales or a sale in some cases that has already been sold. That then becomes a basis for the appraisal on the new sale or for the minimum bid on it.

That is what it is all about, and so, of course, you can have a high-grade sale that may be overbid quite a bit because there is some quality in it, and several plants want it very, very badly. And that has a great impact on what the appraisal may be on this junk sale over here, this really low quality sale.

Mrs. CHENOWETH. So would you say that this in large measure is one of the reasons we are not seeing the sales moved out as they should be?

Mr. JOHNSON. I think it has a great deal to do with it. Yes.

Mrs. CHENOWETH. Mr. Johnson, are you the person who provided the committee with the pictures that we have seen?

Mr. JOHNSON. Yes.

Mrs. CHENOWETH. Those are very startling. I was looking at the pictures of the trees that were left as a buffer system for the ephemeral stream. What is an ephemeral stream?

Mr. JOHNSON. That is a stream that is protected, supposedly anyway, with a 300-foot strip on each side for stream temperature and erosion and all that kind of stuff. And the one that you saw in the picture is not a stream, but when they laid the sale out, they laid it out that way. And those big trees in there won't be cut under the current system. It is no more—and there is no water runs in it unless there is a large rain or a storm comes in.

Mrs. CHENOWETH. Mr. Johnson, what percent of the Malheur Forests or the forests in the Malheur are considered dead, dying, or diseased, or burned timber? What percentage of the stand?

Mr. JOHNSON. Well, I don't know as I have the exact answer to that, but I would say somewhere between 15 and 25 percent of the forest.

Mrs. CHENOWETH. In your years of logging in Oregon, how does the health of the forest today compare to what it was 10 years, 20 years, and 30 years ago?

Mr. JOHNSON. Well, particularly in eastern Oregon, it is much, much worse than it has ever been since man has been there I am sure of that. It has all kinds of bug infestation in almost every specie that is there. Now, when you get the bug infestation you get the trees that fall over. You get fire, and now then we are seeing so much of that fire that this is creating a very serious problem. And I think we were very, very lucky this last winter that we didn't have a major, major fire. We escaped it for some lucky reason. I don't know what.

Mrs. CHENOWETH. Well, we really were, and it is just amazing to me that when we talk about forest health and wildlife management and watershed management, and we don't reinforce and stabilize the soil, and we aren't engaging in good fire suppression techniques, when we lost 33 human lives, and then for people to say to us on this committee as we travel across the Nation that

there is no problem with the forest health, it looks like the evidence in your pictures from what we see is very, very evident.

Mr. JOHNSON. Well, I think if the Washington establishment would allow those people out there to make those decisions, they could get in there, and they can clear out that stuff pretty rapidly, salvage a lot of it as usable product. It is very low quality, but somehow we can handle at least a good portion of it—and get that fire hazard down and then continue to manage the forest like it should have always been managed.

Mrs. CHENOWETH. Well, Mr. Johnson, along that line of thinking, what would you think about if the Congress actually asked each State to help select an alternative form of management for one forest in each State, and then at the end of 20 years if the criteria for forest health, watershed, soil stability, wildlife, Endangered Species Act habitat—if that area that was managed by an alternative form of management—either the State or another entity—if the criteria is much higher on that forest, then all the forest land should go to that entity? Do you think that would be a fair thing for us to do?

Mr. JOHNSON. I think that would be a very good start. I have always been in favor of the local governments controlling the land that is within their State at least. It is no different than the eastern which really doesn't have any public land in their States, but the West does.

Oregon has over 50 percent public land, and it is very, very poorly managed. The State has land within it that is very well managed. There is a significant difference in it already. You don't have to go to that degree I don't think. You can go out there and see what we already have, and it is pretty startling when you see it.

Mrs. CHENOWETH. Mr. Chairman, with your indulgence, I just have one more question. Mr. Johnson, you mentioned in your testimony that we should pass laws that have teeth in them. What did you mean by that?

Mr. JOHNSON. My proposal would be that you put hard figures of what these forests should be selling. And they have that inventory of dead and dying timber, and they can furnish that for you. But with the current structure the way it is now and the current people in there, I don't think you're going to have very good luck until you do that and put a time and a volume for each one of them that they must perform to.

Mrs. CHENOWETH. And if they don't, what?

Mr. JOHNSON. Well, there are varying degrees of things you can do I guess, anywhere from the wheel on down. I don't know what you do about that part of it. All I know is that you have to have some firm commitments and figures before you are going to get very much performance out there that you are wanting.

Mrs. CHENOWETH. Good, firm targets. Thank you, Mr. Johnson, and gentlemen. Thank you, Mr. Chairman.

Mr. COOLEY. Thank you, Mrs. Chenoweth. Mr. Metcalf.

Mr. METCALF. Thank you very much, Mr. Chairman. Probably for Mr. Johnson before any of you, how much salvage timber has been harvested recently?

Mr. JOHNSON. Well, I can't say for the whole Northwest region. In our particular area, there is a very, very small volume beginning to trickle into the pipeline.

Mr. METCALF. OK. What all has the Forest Service done to facilitate and help salvage sales?

Mr. JOHNSON. What have they done to help that situation?

Mr. METCALF. Yes.

Mr. JOHNSON. Well, as I stated in my testimony, the people on the ground would be willing to go out and earnestly and honestly put that stuff up for sale and try to get it off the ground as soon as they possibly can. But they are having all kinds of problems from the groups here in Washington that say, "No, we got to study this, and we got to study that," and on and on and on and on. It is just a stall. In the meantime, that material is deteriorating pretty rapidly.

Mr. METCALF. OK. That has been my opinion, and I just wanted to hear you say it. If you wanted to prevent a timber salvage operation, do you think requiring helicopter logging would probably be a pretty good way to prevent it?

Mr. JOHNSON. Well, I think the helicopter can be used in some places, but it is so expensive. You are talking about just the helicopter logging cost itself is a lot of times more expensive than you can afford to buy the log for. So, therefore, you know, if you can't afford it, you are not going to buy it. There are other methods much cheaper than the helicopter that, as I indicated a while ago, has already been used on that particular land site in some cases.

Mr. METCALF. Well, I have been talking and heard from some union members relative to this, and they are very unhappy with what they believe the Forest Service is purposely screwing it up to prevent this from happening and to prevent the jobs and so forth. What does the Forest Service tell you about why they have not released more sales and so forth? Do they make any excuses for this?

Mr. JOHNSON. Well, they are all waiting for a direction from Washington.

Mr. METCALF. OK. So it is held up here somehow somewhere?

Mr. JOHNSON. Yes.

Mr. METCALF. The sticking point is here, not necessarily in the field. OK. Got that. What would you do to make timber salvage laws more workable? That would be getting through the bureaucracy here; putting teeth in the law; telling them what to do?

Mr. JOHNSON. Well, first I think the President is going to have to give instructions as per the law that you people passed here some time ago and operate as it should be operated legally. I think that is really all that is necessary, but they don't think you people mean what you have said and what you have done.

Mr. METCALF. I think that you are right. I don't think they do, and, of course, they view the Congress as an impediment to what they want to do instead of if the Congress would utilize the things that are available, I think that they would do what we want very quickly. Thank you, Mr. Chairman.

Mr. COOLEY. Thank you, Mr. Metcalf. One last question for anybody on the panel to answer this question. Are any of you familiar with the summary of watershed monitoring within the foothill fire salvage log area from 1992 to 1995 put out by the U.S. Forest Serv-

ice? This was given to us when we were in Idaho. I want to go back to helicopter logging to put into the record.

"No observations of settlement delivery to the stream channels were observed within the 2,600 acres of groundbase logging when the watershed protection measures were implemented. Groundbase salvage activities did not produce more soil disturbance as compared to aerial logging systems. However, this disturbance assisted in roughening the soil surface, created small microstorage bases, and incorporated slash organic material into the soil. Overall, this improved the watershed condition."

We have heard time and time again by people in the industry that the reason the Forest Service does not allow surface logging is because of their deep concern on the runoff and the potential pollution of maybe streams or even dry creek beds. And I think that I would like to get comments from each and every one of you on that statement because, you know, we are good environmentalists.

I think we understand that this is a renewable resource. This is necessary for a vital, economic growing economy, and we want to take good care of it. We also want to protect the fish and the habitat and the wildlife, et cetera. But we have so many people on the other side making statements like, "You can't log on the ground because you are going to ruin the watershed. You are going to cause slides," and all kinds of things of that type.

You people are people in the field out there getting your hands dirty. I would like you to make a comment, each and every one of you, on that statement by the U.S. Forest Service. This is not something that is done by industry. It is not something done by extremists on either side. This is done by a government agency that supposedly is impartial.

Mr. BOWDEN. We have in Oregon and Washington the two probably most stringent forest practice rules in the United States. And those rules address everything we do on the ground in terms of water quality and reforestation and all the issues to do with growing trees. And we live very successfully within both States following our State Forest Practice Acts.

Mr. JOHNSON. What he says is right. The Forest Service is making these decisions based on very, very few hard facts. It is a desire for them to keep the preservationists off their back, and so consequently they will go to any extreme to come up with a reason not to sell trees—now, that is a fact out in our part of the world—rather than try to be factual about it and make those decisions based on fact and manage the forest like it really should be.

We can't muddy up the water. We can use ground equipment. We can use cable equipment or whatever, but we can't cause that degradation of water. So one idea may be to simply follow those State developed Forest Practice Acts that are quite successful in addressing this.

I think one problem the Federal Government has, and it showed up a good deal in the rehabilitation efforts last fall at Leavenworth, is trying to address the potential of a possible cloudburst that may occur. And riprap dams and dry swells and all kinds of things are done, you know, on this potential risk. But when it comes right down to the logging and addressing the siltation from a ground system, we can very successfully do it, and there is ample evidence of

that in both States. You know, you have got to change people's attitudes, I think, to a position where they want to and should manage those forests in a multiple use way like they used to and certainly should continue today.

Mr. COOLEY. Mr. Nelson.

Mr. NELSON. Well, I think a helicopter is a viable option if it is used in moderation and in a mixture with other conventional methods of tree removal. And, again, I would go back to the Dinkleman burn where there was a good distribution of the different types of logging that broke that cost up. We have years of experience of removing timber without damaging the soils, and we do it a lot in the winter when the ground is frozen, covered with snow. You can't leave a track. And it doesn't seem to be thought of anymore.

To give you an example of how we get whipsawed, the Forest Service spends a lot of time and energy around soil disturbance, and they do not want soil disturbed. And they, therefore, use helicopter logging extensively.

The Washington Department of Natural Resources manages a tremendous amount of State land. They, on the other hand, want soil disturbance and feels that it is very important for the regeneration of the future trees coming in. And here we are in the middle, both having silvaculturalists, both saying that this is right, going 180 degrees the other way. It is confusing.

Mr. COOLEY. I want to thank you very much. I want to put one thing in the record so it is consistent along the line. In your experience, helicopter logging runs from \$270 to \$300 per thousand board feet. Is that the average in your area or is it higher or lower? Does anybody deviate from that?

Mr. BOWDEN. Another way to look at it, we are on the small-log end of the thing in our small-log facility at Leavenworth, and we deal in pulp. So we are dealing in small logs mostly. It costs us about \$70 a ton to helicopter log a small log in that immediate area. By the time you do the logging and hauling to our mill site in Leavenworth—

Mr. COOLEY. What does that relate to in board feet so we can be consistent with the previous testimonies?

Mr. BOWDEN. OK. \$70 a ton—probably your \$250—\$300 a thousand is not too far off, but the value of the product we are bringing in there if it is a pulp log is in the \$35 to \$40 a ton. So it is almost twice as much cost to helicopter log a pulp log as the log is worth so something has to carry it. You either have to have some big logs or some reasonable logging.

And to answer your first question a while ago about if the Forest Service had come back and reoffered some sales, yes, they have in Leavenworth. And, in general, the way they have put up a sale that sold the second time is to reduce the amount of helicopter logging in that sale. And then they have done it in consulting with—

Mr. COOLEY. Were those sales bid on?

Mr. BOWDEN. Yes, they were. There were no bids the first time; come back and tried to reduce the amount of helicopter logging, and then they sold.

Mr. COOLEY. OK. Thank you. Mr. Johnson, what about you and the cost?

Mr. JOHNSON. Well, I think \$250 is the minimum. It can go above the \$325 depending on how far you have to log, how heavily the stand is, and what size the material is, as you have already heard. So, you know, it could get up to \$400 or even more in some cases. So, you know, and that same log with a tractor—and an awful lot of this ground that they are requiring helicopter on is good tractor ground—can be logged for a fraction of that—you know, \$100 maybe down to \$40—\$50.

Mr. COOLEY. Thank you, sir. Mr. Nelson?

Mr. NELSON. Those figures are correct. We have at least one other sale that was higher than that. On salvage logging, the helicopters have to turn and get as much volume out as possible. And they get very nervous about all the extras they have to do—the whole tree removal as opposed to just the segments on a normal sale. They are now looking at charging by the hour. Therefore, we have no control over the cost. And I know one particular sale called Shady Lakes cost us dearly.

Mr. JOHNSON. I would like to enlarge that just a little bit. The helicopters are in so great demand, and it is a supply and demand situation, that, you know, the more this goes on, the higher the price is going to be.

Mr. COOLEY. We just want to put it in the record and compare with what we are getting in from our field hearings. I appreciate your comments. These were additional questions for the record, and I appreciate your comments. This committee is excused. Thank you very much, gentlemen. We appreciate your comment, and I think this has been very informative and for the written record especially. Thank you.

Panel number 2, would you please come forward? Mr. Jim Welsh and accompanying Mr. Welsh is an old friend of mine who served in the Oregon State Legislature with me, Senator Kintigh. We are glad to have you with us, Senator; appreciate it. And Paul Ehinger—the second panel. I ask you gentlemen to rise please and raise your right hand.

[Witnesses sworn.]

Mr. COOLEY. So noted they all answered affirmative. Mr. Welsh, it is your table.

STATEMENT OF JIM WELSH, OREGON STATE REPRESENTATIVE, ELMIRA, OREGON

Mr. WELSH. Mr. Chair and members, I am grateful that you are holding hearings on this very important issue. My name is Jim Welsh, and I am State Representative for District 43 which is west Lane County and northern Douglas County in Oregon. These are counties that have had a tremendous amount of timber harvest over them for years and years, clear back to before the turn of the century.

And these are important lands to us today and for a lot of timber harvests in the future, but what you have to understand about these timberlands is they are in my district which is somewhere around 2,400 square miles between Douglas County and Lane County, that almost 50 percent of that is going to be Federal land, Bureau of Land Management. A tremendous amount of it is Forest

Service land. These are lands that at this point in time are not giving us much harvest.

And what I really want to talk most about today is that Option 9 did not work. We were supposed to get 1 billion—somewhere around a billion board feet. In the last two years, we haven't seen very much at all especially in these areas. We have a lot of small timber companies—I had worked for one myself—still do—that depend tremendously on these forests.

We have a lot of families that are depending on them. We have a future that is very uncertain because we don't have a timber harvest. I appreciate the efforts in developing salvage timber sales. I appreciate in that rescission bill the possibility for some green harvest also on 318 sales and other sales that had been sold.

I wanted to let you know that up to this point the BLM in District 43—my House district—got with the program for the most part. There were some delays, but we have seen some sales. But we have some other problems I really want to bring up today to talk about.

In eastern Lane County, we were ravaged by a fire in 1991 which was called the Warner Creek fire, a 9,000-acre burn. It should have been salvaged immediately. Now, we are in four years, and we have a tremendous amount of decay, insect infestation, and there has not been any salvage. Well, I need to qualify that. I have a picture of some salvage on it, but it is by the protesters who are camping on that site today.

What we have on the west side is the Roman Dunn sale by the Hull-Oakes Company. This is 58 acres out of what they had hopefully were going to gain somewhere around 142 total out of three sales, but they were only given one because marbled murrelet habitat was in that area.

Well, between Warner Creek and the Roman Dunn sale, there are 70 acres that should be, part of it, salvaged. The other one is a green sale. OK. Fifty-eight acres doesn't amount to much, and 12 acres on the Warner Creek is supposed to be salvaged. That is all there is, and it is supposed to open up a corridor. There were 9,000 acres, of course, in the Warner Creek burn. We were only getting 12 acres of salvage. There is a real problem here. A lot of this is going to be not worth salvaging.

OK. What I would like to present for the record is some pictures—an album that we put together very quickly showing the Warner Creek and the Roman Dunn sales. You can see some of the good forestry, the different successional growth rates in there. Then in the foreground you see some of the burn, see how some of the soil was destroyed. You even see in here that a road was a nice break for this fire.

Then I want to point out that we have activists on this site blocking this road. Nothing has been done about them. They haven't been removed. They have altered the road—the property. They have dug ditches. I have a picture of that.

And, then again, to qualify, there has been some salvage. It looks like we have a picture of a protester cutting some of this material, but the company that bid on this is not salvaging it. They are putting up barriers on this property to keep people off of them. The timber companies cannot come in and log.

I have a good picture here, again, of altering this land. We have asked the Forest Service to do something about this. This is public property. They had fires on this property during fire season. It is not civil disobedience. We consider this criminal activity, and nothing still is being done.

The Roman Dunn is a small company around 50 employees. And you can see here that we have protesters stopping them from getting on the land; delays there. Then we have a sabotage. We don't know who did it, but we have nearly \$50,000 worth of damage on some equipment. I have pictures of those and accounts that happened two weekends ago. More delays, more costs to these companies.

And, again, we asked the Bureau of Land Management if they had done something about that; no arrests. They are investigating it at this time. And we have asked the U.S. Attorney why there haven't been some Federal arrests. Supposedly they are just still delaying making some decisions here. We are asking that hopefully the Congress can do something; step in and do something about this.

In the back pages it shows where activists are being paid 2 to \$300 a week. We are not sure if these are the same people going out to these sites. We can only suspect that. We have an Earth First edition here. It says how to sabotage heavy equipment. This is a piece of paper that anybody can pick up. Somewhere in Eugene this was picked up.

I think that we have got a real problem here and one we want to get a handle on. This is part of a delay that is occurring, and the agencies aren't doing anything about it clear to the U.S. Attorney. We need some help.

[The prepared statement of Mr. Welsh can be found at the end of the hearing.]

[Photographs follow at the end of the hearing.]

Mr. COOLEY. Thank you, Mr. Welsh. Mr. Ehinger, your turn. You are up.

STATEMENT OF PAUL EHINGER, EHINGER AND ASSOCIATES

Mr. EHINGER. Mr. Chairman, Congresswoman Chenoweth, I'm happy to be here to make a presentation on the issues that do surround the salvage legislation. We in the Northwest sincerely hope that your efforts in this are successful, although as you will see I will raise issues of grave doubts of how successful this can be given the current climate.

First, there are three areas I am going to address. The first one is the current history of timber sales programs and the agencies, particularly the Forest Service, which has been one of failure since 1991—five years of failure. Many times the programs which were budgeted by Congress and then executed, didn't even look like they were in the same ballpark.

Second, the economics and social cost to the people of the Pacific Northwest and particularly the small, rural towns has been severe. And within the last year such towns as Priest River, Idaho; Post Falls, Idaho; Fredonia, Arizona; Ione, Washington; Hines, Oregon—all of those have taken the fall of losing the primary business in

their small town. And in no small measure, these losses essentially kill many other businesses in those small towns.

The third thing which has been ignored in most of the discussions is the cost to the consumer. The consumer in this country bore the excess cost of purchasing lumber and the plywood and panel projects at prices which have gone up astronomically because of a shortage which has been induced by the policies of the Forest Service on managing the timber resource.

The total excess cost in a three-year period of just the softwood, plywood, and panel and the lumber to the consumers of this nation has been in excess of \$20 billion. When that amount of money became an issue in the Mexico financial reserve deal, saving \$20 billion was considered to be a major, major amount of money. In this exercise, the changes in forest management, this cost has been completely ignored.

I point out to you that the timber sale program in the last three years in the Northwest—and I am talking about regions one, region five, region six of the Forest Service—has dropped to 691 million feet which is about a third of what the harvest level has been.

Simply this, we are going to have more closures, continued closures if we don't restore some of that production back into the mainstream. The salvage legislation offers an opportunity not only to put more wood back in the market, but also to improve the forest health and do the things that we all know should be done with-in the forest to improve its health.

People are looking at other sources and say, "Well, we will get timber from the private source." We have found that the private source flourished briefly and particularly the small private timber and then ebbed and eased off. It is not a viable alternative. Log imports have been tried. People have brought logs in from New Zealand, but we are dealing with a very small amount—25 to 50 million board feet in a year.

We even have had people reach out to Alaska, for example, and logs have come into Oregon from as far away as Tok Junction, Alaska, which is, for your edification, 225 miles southeast of Fairbanks on the Alcan Highway. They haul logs 250 miles over the mountains to Valdez, and then they are barged down to Washington and Oregon. Eighty percent of the cost is in transportation. And, of course, when the market goes down, it eats up any possible profit. This is the desperate situation the people are facing in trying to keep mills operating in the remaining small towns of the Pacific Northwest.

The question we have to ask is, is the salvage program an exercise in futility, or will it really do something? I made an analysis for a client early in this year after the legislation was on the table, and I estimated the availability of material that would come onto the marketplace. And I was kind of generous I thought at the time, but I cut it in about half, and I said that this is about all I can see happening. And in reality, essentially that is all that has happened.

In fiscal 1995, this Congress budgeted for 1.6 billion board feet of timber to be harvested. That is the sales program that was budgeted. The volume that was sold was 576 million or about 35 percent. If we add the fuelwood and other odds and ends which some-

times now amount to about 40 percent of the sales program—they used to amount to about 20 but now about 40—you would come up as high as 57 percent. A portion of that was from the new salvage program. It was not from the original program.

So how are we ever going to reach out and get what we estimate to be a 2.6 billion foot timber sale program which includes the budgeted program prepared for by the Administration and brought to Congress, plus another roughly billion feet of salvage timber when the agency can't even put up what we have already budgeted this past year?

I see no opportunity for you to meet the goals which you have set. The agency neither has the people, the capabilities, nor does it have the culture to do this—without some changing of laws, modifying laws, modifying leadership, leadership attitude, and, above all, the Congress and the Administration must set the tone because it is not being set out on the field.

Disaster is still taking place on mill closures. Mill closures since the beginning of 1994 still continue every other week through this month. We have closed 254 mills or 35 percent of the mills that existed in 1989. Only 458 remain. And on top of that, the consumer has paid the bill of \$20 billion in excess cost. Something needs to change. We wish you well. We need the success of the program. I just have to lay on the table the history because without change the success of the salvage program will not happen.

[The prepared statement of Mr. Ehinger can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much. Senator Kintigh, as a courtesy to you and since you traveled so very far, would you like to make a statement, or shall we go on to our question session?

Mr. KINTIGH. If I could, I would like to make a brief statement.

Mr. COOLEY. OK. The courtesy without objection. Hearing no objections, we will allow you to make a statement, Senator.

STATEMENT OF BOB KINTIGH, OREGON STATE SENATOR, SPRINGFIELD, OREGON

Mr. KINTIGH. I am a forester with nearly 50 years of varied experience in western Oregon. I have my own tree farm now and nursery, and these two timber sales that Representative Welsh talked about are within my district. And I would just like to say that I concur with him on what he said there, and I deplore the destruction of public property that is taking place by these extremists. And I urge you to do something about it.

As strange that this is happening in an Administration that talked about they were going to enforce the law, and here we have this going on. And I am very upset that environmental extremists are destroying equipment belonging to hardworking businessmen and endangering the lives of their employees.

An interesting thing happened just last week. A mill owner from over in your part of the State, Congressman Cooley, told me that he was losing customers to New Zealand lumber because they are not able to supply the type of material that is needed.

And then I would just like to make a comment on what you asked earlier about runoff from surface logging areas. In my years of forestry experience, I have spent a lot of time examining thou-

sands and thousands of acres of clear-cuts in detailed examination. And I have just never seen this happen on any appreciable scale in western Oregon at least.

When we have a surface logging or clear-cut, there is trash and limbs and stuff that prevent water from running. They act as little dams and so forth, and so if water does come down, it is caught there. And the first winter, we had weeds and grass and everything come up to prevent it so I just would like to point that out, that this is something I believe that is blown all out of proportion. Thank you for your time.

Mr. COOLEY. Thank you, Senator. I would like to, for the record, explain that Senator Kintigh is not new to the forest industry. He is in his seventies. He was a tree farmer of the United States I think in 1992 so he knows what he speaks of, and I appreciate your comments, Senator.

Mr. Welsh, I would like to ask you a couple of questions. I looked at your presentation, and I find it a little disturbing. The Warner Creek burn, as you said, was 9,000 acres and only 12 acres? Is that correct, or is that a misprint? Twelve acres were proposed for harvest?

Mr. WELSH. Yes.

Mr. COOLEY. And it took four years to prepare the sale?

Mr. WELSH. The Forest Service preferred plan, Mr. Chair, really was only a larger amount of that but still much smaller. Preferred plan I think included 9 million board feet, and they had identified the possibility of dead and dying trees that could be salvaged somewhere around 150 million board feet. And the proposal plan—the preferred plan that they passed, the Forest Service, included only 9 million.

Now, this 12 acres is just a pittance of that. I think this is just a corridor that they need there for kind of a fire break—this 12 acres is, and that is what I understand is all that is going to be logged if we can get down the road and get to it.

Mr. COOLEY. Well, as a State legislator, did anybody ask the Forest Service why only 12 acres, and what was the value involved not only for the Federal Government but also for the county and the sharing? I don't understand 12 acres. Why didn't they do nothing? Why give you 12 acres? It doesn't make sense. And what do you think is the solution to this problem since you are in a position on ground there?

Mr. WELSH. Well, I am going to concur with Paul Ehinger in the fact that why I am here today too is asking for your help. I think maybe we have some people that are listening, and I really appreciate that. We have congressional Members, and I think we have some people in that really want to do something about this in our agencies too, but their hands are tied. We have an Administration that is not going to give them any help.

I think we need to change some attitudes, certainly. I would like to invite you to Oregon so we can show you on ground exactly especially on private land the intensive forest practices that are going on. I think our agencies in the past, Forest Service and BLM—especially BLM—have done a really good job and on those O and C lands which 18 counties in the western part of the State in Oregon—O and C lands there that have been harvested under sus-

tained yield—good forest practices. But at this point in time, especially in the last six years, there is nothing, and this happens to be a very political question. It is something that Congress really has to handle now.

Mr. COOLEY. One other thing. Since looking at your pictures, apparently you are involved in some of the protesting processes. Did you ever talk to these people that are against cutting dead and dying trees? Do we ever have any feedback from these people, why are they objecting to allowing the forest to deteriorate, not going back in and harvesting the dead and dying and then replanting and having potential forests in perpetuity for their youngsters and ours as well? Do you get any kind of personal feedback from these people?

Mr. WELSH. I started out at the Warner Creek fire on the hearing process as they were developing their preferred plan for this burn. And, yes, there was the environmental group and community with us in these hearings, and, yes, we talked to them a lot in hallways and the corridors outside.

I guess their greatest fear, which I don't think has any substantiability, is the fact that we will be rewarding setting fires if we allow harvest. This was a man-caused fire, and that is one of their greatest fears.

The other one is that they think that this can be regenerated—the forests will be regenerated naturally better, but we have a lot of proof that that is not true, that man can manage it. We could have taken the dead and dying trees out of there, reduce the fuel loads on the ground, and had a lot of new forest coming up. For three years they could have been growing.

Mr. COOLEY. One more additional question. My time is almost up. You said Congress has to handle this. When you say that, are you talking about Congress or the Administration? And do you think they are carrying out—are you familiar with Public Law 104-19, the forest salvage bill?

Mr. WELSH. I don't know it word for word.

Mr. COOLEY. No, but you are familiar with the legislation?

Mr. WELSH. I think that Congress approached this correctly. I think that we need to bring, of course, the Administration in partnership with this and our agencies. There is no doubt about it. Everybody has got to play their part, but I think Congress has to lead the way. We never even were able to get a lot of our congressional delegation in on this issue and show leadership back here in the past. We do now, and I appreciate your efforts here, Chair Cooley.

Mr. COOLEY. Thank you very much. Mrs. Chenoweth.

Mrs. CHENOWETH. Representative Welsh, welcome. I am very glad you could be with us. Do you live in Lane County?

Mr. WELSH. Yes, I do.

Mrs. CHENOWETH. OK. Do you think that perhaps Lane County could do a better job managing the Federal forests in that area and the BLM lands?

Mr. WELSH. Lane County hasn't ever managed any forests at this point in time. Coos County to the south and west has. Yes, they do want to manage their forests, and they have a particular forest—I don't know how many acres it is—that they have been re-

sponsible for managing. It returns quite a bit of revenue in Coos County to the county. They manage it on a sustained-yield basis.

Lane County—I talked to some of the commissioners about this particular issue, and they said, “We could manage it, but we probably would ask the State to manage it for us,” because the Oregon Department of Forestry has done a wonderful job of managing our forests. Even though we disagree on harvest levels, they, along with our Forest Practices Act, is something that we are very, very proud of.

Mrs. CHENOWETH. Thank you. I hope we can see that happen, that we might be able to see an alternative form of management if the Forest Service doesn’t choose to manage as the Congress set forth. I was very interested in the notebook that you provided the committee. Did you happen to call this number where they placed the help wanted ad for activists?

Mr. WELSH. I had some friends that were calling, and at that point in time they did it on the weekend. A friend of mine just brought that over just as I was preparing to leave, and they said they would make the calls. They got back and said and nobody was there during the weekend so we don’t know what the response is at this time.

Mrs. CHENOWETH. Well, it says here, “Call Hilliary.” I just want to make sure they ask her last name.

Mr. WELSH. We will do that.

Mrs. CHENOWETH. OK. These are devastating pictures. They are very good, and I appreciate your providing them to the committee. Anyone who says that we don’t have a forest health problem has their head in the sand.

In your experience, why do you think the protesters are protesting your cutting a log when here are pictures of them cutting logs and building log structures, and yet they don’t want you to? This is the height of hypocrisy. I am furious. What did your sheriff do about this? This is a violation of people’s civil rights. Well, excuse me. What did your sheriff and the local law enforcement people do about this?

Mr. WELSH. I was in communication with the forest supervisor for that district asking him these questions. He was telling me everything he couldn’t do. We had another salvage sale, the Sugar Loaf down south, where they did make some arrests, and they did remove the people from that salvage area so that salvage could continue.

Now, on Warner Creek, I told him, “You know, they throw public officials elected and those that are hired in agencies all into one pot,” and my constituents do that. All our constituents do that. They call it government. And I said, “You know, we are losing credibility day by day if something isn’t done with the protesters on public lands when they are damaging it, altering it, and they are really conducting criminal activities.”

And he said, “Well, we are not going to make any arrests on this one because at this point in time the logger isn’t sure he is going to move in, you know, because he has until the end of October to do some logging. Well, we have had tremendous unseasonal rains in western Oregon, and it would not be advisable probably to do some logging on that area at this point in time.”

So I said, "Well, still you are not making arrests. You are not removing these people as peacefully as possible, and every few days we see them in the media. We see them in newspapers gaining some sort of notoriety for this, and we see our government not doing anything about it." The sheriff's department can only do something when the U.S. Forest Service asks them to do that. I did ask that question. And so they weren't allowed to make any arrests yet.

Mrs. CHENOWETH. I would be very interested in working with your sheriff in Lane County because he has jurisdiction in the forest. I would like to see the regulation that he is relying on to say he doesn't have the jurisdiction. Representative Welsh, would you work with me on that?

Mr. WELSH. Yes, I will.

Mrs. CHENOWETH. Could we do some probing on that?

Mr. WELSH. I agree with you he does have jurisdiction.

Mrs. CHENOWETH. He certainly does, and if he doesn't respond, then I think that you need to get a new sheriff. I really do because think what would happen if equipment from the Forest Service or automobiles or anything of the Forest Service was damaged, can you imagine what would happen? And this equipment had to have engines replaced. This is ridiculous. What happened to these engines?

Mr. WELSH. Oh, I brought it with me too. I forgot about that little bag of what looks like grinding material that was poured into the oil reservoirs. They were started on a Monday morning and ran, and then they just basically self-destructed. And within less than a day, they quit operating, and they couldn't understand why.

That was on the BLM Roman Dunn sale in northern Douglas County. And then they were really suspicious. The owners said to shut all the equipment down and test it. They tested all the oil and found more of this, like a grinding compound—something similar to what you read in that article from Earth First. And there are a number of ways you can sabotage that equipment, but it cost them thousands of dollars.

Mrs. CHENOWETH. Well, I thank you very much, gentlemen. Mr. Kintigh, I wish I had more time to speak with you and Mr. Ehinger. OK. Thank you.

Mr. COOLEY. I will let you continue.

Mrs. CHENOWETH. Oh, you will?

Mr. COOLEY. Yes.

Mrs. CHENOWETH. I get another round at them?

Mr. COOLEY. Yes. But let me go first.

Mrs. CHENOWETH. All right, Mr. Chairman.

Mr. COOLEY. Yes. We have so many exciting things to talk about. Jim, I was in Medford two weeks ago, and I spent four and a half hours with the U.S. Forest Service and the people out in that cut. And the reason that they were able to do that salvage and the thinning cut was that they had a 34-mile guarded perimeter which cost the company \$130,000, plus the sheriff's department—I don't know how much they paid—in order to keep out the protesters. And they were able to go ahead and log that.

As you know, it was a successful log; took over 17,000 trees out of there, and I defy anybody to go out there and see where they

cut one tree because you can't tell it. The canopy is perfect. But that is a successful thing, but you have to move out ahead before before you issue the contract. Otherwise, you get them moving in on you as they have had problems where you are.

So I want to say that the U.S. Forest Service at least in Jackson County in region six down there was able to handle some of that problem, and hopefully maybe this will be the new form they are going to use for future projects. That was successful, and I want to tell you that I was very, very pleased with what happened. We have had no equipment destroyed, nobody got hurt, and I think we jailed 56 people, but, you know, that is just in and out the door; no big deal.

But, anyhow, so I think maybe we might end up doing that kind of thing, but it is going to become very expensive if we have to do that. I am very disappointed that we have to go through that process.

I would like to switch over to Paul. I would like to ask you something, Paul. You mentioned something about \$20 billion environmental benefit. Could you explain that to me? Do we have any benefit by the \$20 billion?

Mr. EHINGER. Yes. That was the cost to the consumer. I did a calculation which took the basic trend line in lumber costs and plywood and panel costs from 1984 up through 1992 which was about 2.5 percent. I then escalated that at five percent to be very conservative in the way of calculation, and then I took the real escalation in lumber prices. And this was through the Random lengths market publications index—took plywood and panel prices which escalated at 18 percent per year and lumber prices escalated in the three-year period at 25 percent a year.

Mr. COOLEY. OK. Let me ask you now. This is consumer price. OK?

Mr. EHINGER. This is wholesale price. The wholesaler is the consumer.

Mr. COOLEY. OK. Let us take the consumer out of this, and let us go on the other end of the spectrum. What did we do for the environment—for the \$20 billion we lost in consumer?

Mr. EHINGER. What could we?

Mr. COOLEY. No. What did we do? Did we benefit the environment by doing this?

Mr. EHINGER. No. You ended up just exactly where the pictures that were shown you put us. We ended up with nowhere.

Mr. COOLEY. So in your opinion, Paul, it cost us \$20 billion on the consumer side, and did nothing for the environment?

Mr. EHINGER. Precisely.

Mr. COOLEY. You made a statement also about can't meet the salvage goals set. What salvage goals have we set? In other words, the law does not specify any particular salvage goals, and we sort of hopefully when we went through the reconciliation and worked this out with the U.S. Senate—we did have figures in there, by the way, which were taken out, and because of the good faith by the Forest Service in consultation—Jack Ward Thomas in consultation with Senators Hatfield and Gorton—we removed those figures to make sure that everybody had a comfort zone here.

And we thought they would get in there and really expedite this process, and we gave them all the tools to do that. We gave them the ability to hire people that they did not have any longer in service and not violate any laws about Federal employees. We gave them a whole bunch of things in there that we felt through consultation both with the environmental community and the industry that would make this bill acceptable to everybody, and we really thought it was. In fact, we have a letter from the President saying how much he was going to implement this, but it hasn't happened. So when you say meet the salvage goals, could you give me an idea of what you are saying there?

Mr. EHINGER. Very simply, number 1, there was a budgeted timber sale program before your salvage legislation ever came to pass which you can carry back, and it was aggregated to the various regions. I took the best figures I had aggregated to the three regions which was \$1.6 billion in the 1995 timber sale program.

We assumed, based on the goals of your legislation, that then there would be an additional volume of the salvage program aggregated on top of that. Since the program was a little over a one-year program, we had the volume out there that had to move. We then aggregated that and estimated approximately 900 million of salvage ought to go on top for the salvage program if it was to mean anything.

That gets you about \$2.6 billion in timber sales to be sold next year. We have not had that level of timber sale offerings made in these three regions since 1990 when the 318 sales came to pass. The history has been that we have been making about 25 to 50 percent of the budgeted goals. There is nothing that has taken place to date that indicates that we are going to do any better without somebody kicking somebody in the seat; to put it bluntly. I don't know any other way to describe it.

Whether the goals are exactly what the Forest Service thinks they are, I don't know. Certainly the budgeted congressional goal of \$1.6 billion was there to start with. They may wish to aggregate it differently; my figures represent a reasonable aggregation, and I added the salvage proportionately. So I think that it is in the target area if your goal of making the salvage program in this legislation is an additional volume to the regular program. It is my understanding from beginning to end it was to be additional volume.

Mr. COOLEY. That is correct.

Mr. EHINGER. My point is given the performance in 1995 or any previous year, but in 1995 or what I predict will be the performance of 1996 because I see nothing on the horizon that is going to make it any better, all you are going to do is replace existing budgeted volume with salvage volume, and you may not even make the original congressionally budgeted volume.

Mr. COOLEY. That was not the intent of the legislation. I was corrected by counsel there was some volumes in there. In Section 2001[c][2] in the Chairman's mark there was some volumes, and I am going to ask counsel to address that so we get it straight in the record of what was exactly in that markup section of the bill itself.

Mr. GIBSON. There were no timber sale volume targets in the bill language itself. However, the statement of managers did include

timber volume targets. There was also a reporting requirement in Section 2001[2][c] or [2][e], excuse me.

That reporting requirement requested that the Secretary of Agriculture and the Secretary of Interior for their respective land areas present a statement of intentions of the Secretary with respect to the salvage timber volume level specified in the joint explanatory statement of managers accompanying the conference report on H.R. 1158, House Report 104-124.

That was the conference report that accompanied the priorly passed rescissions bill, the one that was vetoed by the President. But that reference was explicitly left in the bill because it referenced three years of salvage volume targets. The target for fiscal year 1995 was 750 million board feet additional increment. The target for fiscal year 1996 was 1.5 billion board feet additional increment, and the target for fiscal year 1997 was 1.5 billion board feet additional increment.

The salvage language was also reduced in length by nine months so correspondingly the fiscal year 1997 target was reduced by three-quarters, the target then being .375 billion board feet or 375 million board feet. When you add the additional increment to the programmed level—an additional increment for 1995 of 750; additional increment of 1.5 billion for 1996; and the first quarter of 1997 an additional increment of 375 million, you get an additional increment above program levels for the salvage bill period of 2.625 billion board feet.

Add that to the programmed level, and you come out with about 6 billion board feet total. The Administration, however, in their report to Congress stated that the target was 4.5 billion board feet.

Mr. EHINGER. I think under either scenario you will have a problem because it is very simply this. You have a business, and you have a failed program. How do you lay a successful program on top of a failed program and make it work?

Mr. COOLEY. That is what we tried to do, and that is why we are having these hearings because it is obvious to us that it is not working either. Mrs. Chenoweth, you have an additional round here.

Mrs. CHENOWETH. I do and I am still not through with these ecoterrorists yet. Representative Welsh, you know, I just wanted to share with you the fact that it is of great concern to me that even though these people come in, and we know in Idaho and I am sure you know in Oregon too that they are from out of State with no visible means of support, and they just rain terror in our forests, is the State legislature doing anything about making sure that if the sheriffs don't carry out their legally mandated responsibilities that the State police can? Because my fear is I don't want to see Federal agencies being called in there. I want to see it handled on a local level.

Mr. WELSH. Yes. I was in communication with the Oregon State Police on this issue along with the Forest Service. They were willing and waiting to help out wherever possible, but it was certainly under the jurisdiction of the sheriff's department. And I notice in some of the photographs that we saw and the newsreels that we had the sheriffs I think up there at the east Lane County Warner Creek site, and we also had the Oregon State Police.

I can't tell you exactly what their final decision or reason was that there weren't any arrests. And I wanted to get a hold of the forest supervisor at this point in time and ask him again why it has taken so long. He said within a week, and this has been almost three weeks ago that he would get right back to me and let me know what was happening. And I have not been kept abreast of this issue.

Mrs. CHENOWETH. Like I say, I do want to reiterate the fact I would like to stay in touch with you on this because it is a serious problem we are having in California, very serious problem that we are having in Moscow, and all over Idaho. Do you know if the ecoterrorists have threatened people's operations or made them afraid for their employees in the legal conduct of their business?

Mr. WELSH. I don't have anything written down that I could say truly, you know, there wasn't some sort of a threat voiced. I have just heard people tell stories they have heard them, but that is, you know, third party.

Mrs. CHENOWETH. Have these groups who seemed to care more about trees than they do about human lives—do they frighten our people? I know they do in Idaho. How about in Oregon?

Mr. WELSH. I talked to a couple of loggers—managers that had gotten the pictures for me of their equipment that had been damaged, and they are faced with these people every day. They go to work, very early in the morning they have people standing in the road. They call the sheriff's department—now, this is Douglas County—and the sheriff will come up and remove those people.

Douglas County has made that commitment. They understand it is their jurisdiction, and they do a good job. But it often takes four hours to get the sheriff clear back up in northern Douglas County, and you have these people—loggers sitting there waiting, absolutely no production going on, and the company is paying them losing money.

Mrs. CHENOWETH. You know, Representative Welsh, these people are more than treehuggers. They really are terrorists, and the media out here in the East wants to know what do you mean there is a war in the West? You know, treehuggers sort of irritate us because we know we have this educational problem with them. And I maintain that once you hug a logger, you will never go back to trees. But the fact is that this really is a major problem. We had a bomb scare in Moscow over this last weekend. But, Dr. Kintigh, I am pleased to hear from you, and congratulations on being the tree forester of the year.

Mr. KINTIGH. Well, I was the national Christmas tree grand champion and presented the tree at the White House in 1992.

Mrs. CHENOWETH. How is your relationship with the agencies? How are you able to sustain your business in the manner that you do and the working relationships that you obviously have with the agencies?

Mr. KINTIGH. Well, you mean me working with the agencies? No. I am in private forestry. I don't work with the agencies. But I do know some of them, and I have discussed some of this with the assistant regional forester, and I didn't get any satisfactory answers of why they weren't making any arrests or doing anything. I don't know.

I have been working with them on another issue in eastern Oregon there trying to get a demonstration project on cleaning up some of this timber to generate power. And all I get is why they can't do it but no show of any desire to do it. This company that wants to do this demonstration project has done thousands of acres of private land in California, and it just looks beautiful, and it is relatively free of fire hazard. But, no, it seems to be a can't-do agency instead of a can-do.

Mrs. CHENOWETH. We do need a can-do attitude and a vision for the future, don't we? That is what built the West, and I hope that the dream that PERPA when it was enacted in 1978 which allowed cogeneration facilities to come into existence and sell their power—and in large part I know that even Representative Weaver was not opposed to that because he knew that, you know, there was a market there for the slash. So thank you very much. Thank you, gentlemen. Thank you, Mr. Chairman.

Mr. COOLEY. I want to thank the panel. We appreciate your testimony, and you are excused. Thank you. The third panel and final panel is Mark Gaede, Acting Deputy Under Secretary of Natural Resources and Environment, U.S. Department of Agriculture; Gray Reynolds, Deputy Chief, U.S. Forest Service, U.S. Department of Agriculture; Nancy Hayes, Chief of Staff, Bureau of Land Management, U.S. Department of Interior; Dr. Russell Bellmer, Chief, ESA Division, National Marine Fisheries Service, U.S. Department of Commerce; Dick Sanderson, Director, Office of Federal Activities, Environmental Protection Agency; and Gerry Jackson, Deputy Assistant of Ecological Services, U.S. Fish and Wildlife Service, U.S. Department of Interior. Ladies and gentlemen, would you raise your right hand please? Stand and raise your right hand.

[Witnesses sworn.]

Mr. COOLEY. Make it of record they all affirmed. Thank you. I assume from there is only one statement that, Mark Gaede, you will be handling the testimony, and then they will just take questions from the panel. Is that correct?

Mr. GAEDE. Yes, Mr. Chairman. That is correct. Actually, I would like to make a brief opening statement and turn the balance of our testimony over to Gray Reynolds who will complete that on behalf of the Administration.

Mr. COOLEY. OK.

STATEMENT OF MARK GAEDE, ACTING DEPUTY UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Mr. GAEDE. Mr. Chairman and members of the committee, my name is Mark Gaede. I am Acting Deputy Under Secretary for Forestry at the USDA. I appreciate the opportunity to discuss implementation of the timber-related activities of Public Law 104-19.

With me is Gray Reynolds, Deputy Chief for the National Forest System, USDA Forest Service, who will present the balance of the Administration's testimony.

Also with us is Nancy Hayes, Chief of Staff and Counselor to the Director of BLM, and other agency representatives who will be available to answer your questions. I have a brief introductory

statement, and then we will ask Gray to present the balance of our testimony.

The President has provided clear direction to the Departments of Agriculture, Commerce, Interior, and the Environmental Protection Agency to implement this law in a way that to the maximum extent allowed follows our current environmental laws and programs. With permission of the committee, I would like to submit the President's directive for the record.

There seems to be a great concern about the direction given to work together governmentwide to carry out this law. There is concern about process. We are concerned about process, particularly where it doesn't result in an environmentally sound product. The bottom line is that our process does result in an environmentally sound product. In fact, we anticipate exceeding our 1995 program level of timber salvage for a total offer in 1995 of 1.8 billion board feet. Gray will provide more detail on that.

In working with the natural resource agencies to carry out an increasingly complex mission with fewer and fewer resources, I am reminded of Dr. Samuel Johnson's observation of a dog walking on its hind legs. He said, "It is not so remarkable that it does it well, it is remarkable that it does it at all." Any human-created endeavor designed to manage enormously complex natural systems is remarkable if it works at all, and I think that these people do it well.

Finally, my own background, Mr. Chairman, provides some additional insight into the field of timber-related employment and the importance of maintaining a high level of environmental quality. As an Oregonian, I put myself through college at Oregon State University by pulling green chain and working as a tailsawer at the Old Brook-Scanlon sawmill in Bend. I know how important that timber job was to me.

But I also know how important a pristine Metolius River is to flyfishermen and the economy of central Oregon. I know how important hiking, skiing, and general recreation is to the economy of central Oregon and the Northwest generally. This President and this Administration is committed to preserving all of these values, and I would like to turn over the balance of the testimony to Mr. Reynolds.

[The joint prepared testimony of Mr. Mark Gaede and Mr. Gray Reynolds can be found at the end of the hearing.]

STATEMENT OF GRAY REYNOLDS, DEPUTY CHIEF, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. REYNOLDS. Thank you, Mr. Chairman. Due to our efforts to implement the salvage provisions of the Rescission Act, the Forest Service anticipates exceeding its prerescission 1995 reprogrammed level of timber salvage offered by 300 million board feet, offering 1.8 million instead of 1.5 that we committed to.

And I would like to point out that the bill was signed the end of July. We got a memorandum of agreement in place on August 9. We, as an agency, remain very committed to move forward. We understand the concerns about forest health and about salvage, the concerns about local communities. We also are concerned about providing healthy environmental conditions for the long term.

I think that our history as a resource management agency will stand with anyone. We hope to be able to answer your questions, respond to your views, and provide information that will be useful to you. Thank you.

Mr. COOLEY. Either Mr. Reynolds or Gaede can answer this. You used the term offered for sale—will exceed offered for sale. Now, in the previous testimony earlier on by Mr. Nelson, which was unknowing to me, of course, and I don't think anybody else on this committee, we didn't realize that offered for sale was considered the volume.

We always considered if you offered for something for sale but it was so above the price that was reasonable to cut it and you did not adjust it that it would not be counted. So when you use the word offered for sale, are you talking about actual cut or just offered for sale which may or may not be cut?

Mr. REYNOLDS. Congress has asked us to report on volumes in three areas, offered for sale, sold, and harvested, so that you can track the information from the beginning through the process as we deal with receipts and costs as related to our entire timber sale program.

The report that we submitted to the Secretaries of Interior and Agriculture submitted on August 29 in response to the requirements of the Rescission Act clearly state in attachment A what the salvage sold and salvage harvested is for each of the regions by forest.

Also, in attachment B, we show the total salvage available by forest by region, and then on attachment C we have included our planned salvage value. We try, Mr. Chairman, to be very straightforward so that you can track our process.

Mr. COOLEY. OK. That is over and above what you previously already had scheduled?

Mr. REYNOLDS. That is right.

Mr. COOLEY. OK. We have the figures here, and we will kind of look at that. Do you have any idea, Mark, of how many Forest Service salvage sales have been completed since your agreement of memorandum came out in August—how many you have let out at that period of time?

Mr. GAEDE. Mr. Chairman, I don't have the exact number, but I can tell you that the bulk of our program for '95 is expected to come out in the fourth quarter. And I think we probably have the specific figures. I would ask Gray to fill that in for you.

Mr. REYNOLDS. Yes. If the committee would like the individual sale by sale, we can provide that information.

Mr. COOLEY. We would appreciate that.

Mr. REYNOLDS. We have tried to accumulate it and provide it as requested in the Rescission Act.

Mr. GAEDE. And I think we have that information, Mr. Chairman, by date so we would be able to track back exactly when it was offered.

Mr. COOLEY. OK. I have read the MOA and under the new law, what do you think now is your average time of letting a contract on salvage compared before Public Law 104-19?

Mr. GAEDE. Well, if you take into consideration the time that previously we would have to devote to consultation and so on, it is

a process that we are combining together in a more streamlined process. I think our times to prepare and offer these sales have actually improved. And I think our times for completing the entire process—Gray, is it down below 60 days?

Mr. REYNOLDS. Yes. I think that the value to the memorandum of agreement was that instead of waiting for the Forest Service to complete the NEPA process, make a decision and then wait for consultation in areas where we have threatened endangered species. We have brought that consultation process right into the NEPA process so basically what we have done is we have reduced the timeframes necessary to complete the consultation.

We are beginning to bring agencies on board in the front end of the NEPA process and I believe that it is beginning to work very rapidly. We are required to go through the NEPA process.

Mr. COOLEY. That is correct.

Mr. REYNOLDS. And what we have tried to do is bring all these various decisions into that process so that it is completed at one time. I might point out that it is working wonderfully right now down in region eight, the southern part of the country.

And if you will look at some of the information we provided, but I would like to quote to you, this year when we were discussing the initial salvage program, the estimate of capability in region eight was 65 million salvage. At this point in time, we presently show 236 million in salvage.

The reason that is working is because we have a conservation agreement with the Fish and Wildlife Service so that the time it takes to get the sale done is the time it takes on the ground to do the NEPA work and to complete the sale layout. And that is working well. Some of the recent blowdown that we occurred with the hurricane that just came into Florida and Alabama and North Carolina, we expect to have those sales on the market in early November.

Mr. COOLEY. OK. Let me ask you something. Who writes the biological evaluation on these salvage sales? Does that come out of the Forest Service, or where does it come from?

Mr. GAEDE. Yes. Mr. Chairman, the Forest Service completes the biological evaluation.

Mr. COOLEY. Under the new law too?

Mr. GAEDE. That is correct.

Mr. COOLEY. Is that in consultation with the Fish and Wildlife Service?

Mr. REYNOLDS. That is what we have asked—is that the Fish and Wildlife Service and National Marine Fisheries put a biologist on each of our ID teams, and as we write the NEPA document, they will do the BE. They will do the biological opinion so we have included all that in the process once, and that is a critical, major step forward.

Mr. COOLEY. But the Forest Service is going to write the biological evaluation. Are you going to be responsible for that, or is it going to go through Fish and Wildlife or the National Marine Fisheries Service? Who is going to be responsible?

Because in our previous testimony and out in the field, we find out that the biological evaluation seems to be a little bit of a stumbling block in some districts. We just want to know who is respon-

sible for that—in your opinion at least who is responsible for that at the Washington, DC, level?

Mr. REYNOLDS. Mr. Cooley, that has been the problem that we have had, and that is the reason for the memorandum of agreement and the reason to put everybody on the front end of the NEPA process so that we don't get to the end with a document and a decision, and then it will go over for consultation and find out that the biological opinion disagrees with the decision we have made. And then we would go back and recycle that process.

Mr. COOLEY. So the National Marine Fisheries Service does not have the ultimate veto any longer. Is that correct?

Mr. REYNOLDS. Now, let me be very careful with this because this is a difficult question.

Mr. COOLEY. Remember you are under oath.

Mr. REYNOLDS. I understand that, sir. Whether I was or not, I am going to tell you the best I can.

Mr. COOLEY. OK. We are getting down to the nitty-gritty here.

Mr. REYNOLDS. Yes. When you get into that kind of a process, if you can start out with everybody sitting at the table as you begin to identify the alternatives and what the impacts are and what the concerns are, remember that the National Marine Fisheries and Fish and Wildlife Service have a responsibility as it relates to populations, and we have a responsibility for habitats.

We believe and we strongly feel that by bringing this thing forward as a team effort at the front end, that when the decision is made, signed off on by the Forest Service, we will have agreement with those parties on that team. That includes the National Marine Fisheries if they are sitting there, Fish and Wildlife Service, or both of them where we have joint jurisdictions.

Mr. GAEDE. Mr. Chairman, if I could also point out, we think that one of the most important elements of the MOA is the requirement that we are going to measure the performance of all parties and individuals' efforts involved in the development and implementation of timber sales prepared pursuant to this. The personnel performance measurement is going to be the key to determine what gets done and what doesn't get done I think. You will measure our performance.

Mr. COOLEY. OK. Mrs. Hayes, you know, our field hearings—in talking with the people on the ground on both sides of the thing, the BLM doesn't seem to have the same problems that the Forest Service has. Why are you people able to—at least it appears to us on this side and to the testimony we have heard in the past—get your salvage contracts out with the least amount of problems and in the most expedient time? What is different about your process than the U.S. Forest Service?

STATEMENT OF NANCY HAYES, CHIEF OF STAFF, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Ms. HAYES. Well, one thing that BLM did was early on before the Rescission Act was passed—I think we started back in February of 1995—developing sort of a prototype consultation process that we used with Fish and Wildlife Service and NMFS. Later, this was more or less embodied in the MOAs that the agencies adopted.

But because we started this early on—the Secretary and the Acting BLM Director initiated this—and ramped up our salvage program in the spring from—I think our original program level was 64 million board feet—we ramped that up to trying to offer 77 million board feet in fiscal year 1995, which we met, in fact, and exceeded. Now, we sold not all of that—out of that, 67.6 million board feet, which was still several million board feet over our originally programmed level, was sold.

But I think a lot of that is because we started this very early on, and it has been working very well with the other agencies in the field. We, obviously, have less timber than the Forest Service. Our planning processes are somewhat different. All of these factors may come into it.

Mr. COOLEY. Well, we acknowledged the fact that you have less timber and you manage less land, but if you look at the percentages, you are much ahead of your fellow agency in managing Federal lands as far as the salvage is concerned.

All that we are trying to do is trying to find out what we can do on this side of the aisle, more or less, to try to make this a smooth operation that visually and theoretically provides all the environmental protection we can and yet does something to bring out this dead and dying which we think is a necessity.

You have been very successful at it basically, and we were just curious of why you have been and the other hasn't, and maybe you two ought to get together and talk a little bit. Hopefully, that will occur. And this is not a criticism. I think it is just that basically we have had very little, let us say in the field hearings, complaints from people about the Bureau of Land Management and how you are handling your projects and how you are getting out your timber.

We have had a tremendous amount of criticism of the Forest Service. Justified or not, we are not trying to begrudge that. We are just trying to get this information to find out how this salvage law has helped to try to solve this problem. And we notice in testimony that it is not much of a problem for your agency, and apparently whatever you are doing is running much smoother than what the other agencies are entailing. And so we just appreciate your comments on that area.

Do you have worked out this problem on the biological evaluation with the Marine Fisheries pretty much as Mr. Reynolds has stated? Is that what you are doing now? You started that in February. Is that what you are saying here?

Ms. HAYES. Well, early in the spring, yes. We start by having the Fish and Wildlife Service or NMFS involved in the planning of the timber sales as soon as we can and with the result that I think our consultations—if you want to refer to them as consultations—are taking now an average of 40 days for formal consultations which, as you know, took several months before.

And so I think that that is working, and one of the reasons—I think the Act provides some additional flexibility in combining the BA and BE. We haven't yet had the need for that, but I am sure when we get into 1996, I think we have completed more than 50 percent of our fiscal year 1996 consultations. But I think as we get down the road, you know, that tool will be useful as well. And we

can probably just sort of slip into that from what we have already started doing.

Mr. COOLEY. Thank you very much. At this time, I would like to recognize Mr. Nethercutt. I know he has jumped over out of Appropriations and busy over there working very hard but had an opportunity to stop by. We are going to jump out of sequence. If there is no objection, we will recognize Mr. Nethercutt here for a few minutes.

Mr. NETHERCUTT. Thank you, Mr. Chairman. I am sorry to interrupt, and, ladies and gentlemen, welcome to you. I just want to thank Chairman Cooley and Representative Chenoweth and the other members of this task force for doing such a good job to hold field hearings and hold this hearing to analyze the issue of implementation of the salvage timber amendment.

I am from the West. In the east side of the State of Washington we have a tremendous—well, we are neighbors to Idaho, obviously, and we have a tremendous number of forest areas there which have been burned and are diseased and dying. It is very important to our part of the country that some timber salvage be accomplished.

My discussions with people out in our district have led to the conclusion that there just doesn't seem to be much happening. And so I commend this task force and certainly the members who have been so active in participating in these various hearings because they mean a lot to our part of the world. I hope that you all as Administration officials will do your best to be sure that the true intent of this law is implemented.

We need to have some action and action early instead of down the line. We have a narrow window to jump through, and I hope we can and land on all fours and do some good things, not only for the forest, but for the people who depend on it. So without further comment, I thank you, Mr. Chairman, for allowing me to interrupt, and I congratulate you on all your work.

Mr. COOLEY. We appreciate you coming out of your committee and coming over. We appreciate that.

Mr. NETHERCUTT. Thank you.

Mr. COOLEY. Thank you. Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman. And, Mr. Nethercutt, it was good to have you with us. He is my neighbor. Mr. Reynolds, when I came in, you were testifying about the President's concern about getting these salvage bills moving ahead.

I do want to say that I have here for the record a letter from the President to the Honorable Newt Gingrich dated June 29 which opens, "Dear Mr. Speaker: I am pleased to be able to address myself to the question of the Emergency Salvage Timber Sale Program. I want to make it clear that my Administration will carry out this program with its full resources and a strong commitment to achieving the goals of the program."

He signed the bill into law July 27 of this year with this letter being June 29. On August 1, he wrote a cover letter in the memorandum of agreement that you referred to. And I do want to submit that and the memorandum to the record also.

[The above mentioned material can be found at the end of the hearing.]

Mrs. CHENOWETH. But he speaks about, "I intend to carry out the objectives of Public Law 104-19, but I am also firmly committed to doing so in ways where we can follow our current environmental laws and programs," which is a contradiction to not only the spirit of the law, but the letter of the law.

And then, furthermore, on August 11, and I would like to enter this into the record, there is a letter here from the White House over Mr. Clinton's signature dated August 11. And it says, "I oppose the salvage logging provisions as it threatens to impair rather than promote sustainable economic activity. The House and Senate were unwilling to abandon the salvage timber rider, but Congress did accept important changes that will preserve my Administration's ability to adhere to the standards and guidelines in our current forest plans."

However, I do also want to make it clear that we also put in a streamlining program in the salvage logging bill, that portion of Public Law 104-19. I think as you no doubt recognize our extreme frustration in trying to get this moved ahead, and I recognize too that you are whipsawed between a Congress who is bound and determined to push for better forest health when we have, you know, pictures that are real like this. You know, there is no way that this is a healthy forest.

And, Mr. Reynolds, you have been in the Forest Service with a long and distinguished career. And I can't help but believe that you don't want to oversee or preserve a legacy of dead and dying timber for the Northwest. Let me ask you this. When the Congress sets forth a law that is very specific and no doubt you see just as clearly as we do that the memorandum of agreement is running in contradiction to the law that Congress put forth, where is your legal obligation to carry out not just the spirit but the letter of the law?

Mr. REYNOLDS. Well, we feel that we are working for the Administration. We feel that we are legally defensible. We have a strong commitment to implement the salvage program and protect the environmental issues. And when you raise the pictures that we just looked at, that is a heck of a scene. It is a terrible scene. But I want to give you an experience to try to tie this together with the fundamental issue that we are talking about.

In 1972 when I went to the Sawtooth NRA, the Salmon River was full of salmon. Red Fish Lake in September was totally red with the cocanee salmon coming in and out. Idaho had a public fishing season; began in August. They were fishing for salmon in the Salmon. In 1976, I believe, was the last season they had a public fishing season.

If you will look at the situation today as it relates to salmon, there is something fundamentally wrong. It is not just the habitat. We understand that. But the Forest Service is responsible for that. We are working very hard. Our people are working very hard to remove the trees, to provide that wood fiber for the jobs, and to try to improve and bring back the salmon which is a lifeblood to many Idahoans. It has been gone for a long time.

Mrs. CHENOWETH. Well, I didn't ask a question about the salmon, but since you brought it up, I do want to let you know that Senator Hatfield wanted to cap the expenditure for the salmon this year at \$.5 billion. We have spent billions and billions of dollars

trying to bring the salmon back to the rivers and streams in Idaho, and we didn't have one salmon return to Red Fish Lake this year.

Mr. REYNOLDS. I know.

Mrs. CHENOWETH. Not one. So we are pouring good money after a bad program that isn't working. Now, that is not to say that we may not want to save the salmon, but the program is broken. And I want to ask the Chairman will we have a second round?

Mr. COOLEY. Yes.

Mrs. CHENOWETH. OK. I will cease my questioning right now and wait for the second round.

Mr. COOLEY. Thank you. Mr. Longley.

Mr. LONGLEY. Thank you, Mr. Chairman.

Mr. COOLEY. Glad to have you back, by the way.

Mr. LONGLEY. Nice to be back. Mr. Reynolds, could you tell me what the impact on the salmon habitat would be if there was a forest fire along that river?

Mr. REYNOLDS. Well, it depends on the slope and the soil types and the kind of fire you get. To sit here, it can be anywhere from extreme to very little depending on the situation.

Mr. LONGLEY. Describe an extreme situation. What would you mean by that?

Mr. REYNOLDS. I believe an extreme situation is where you have very high intensity heat, where you get hydrophobic soils that form maybe six to seven inches below the soil. You basically eliminate most of the minerals out of the top layer of soil. You remove all of the vegetation along the stream banks, and you have opened the area up into very extreme erosion problems.

Mr. LONGLEY. And what is the impact on the wildlife in that area?

Mr. REYNOLDS. Well, for a period of time, it just about totally eliminates it. It is particular difficult on water and water quality and fisheries.

Mr. LONGLEY. Describe the impact on water quality.

Mr. REYNOLDS. Well, the water quality is affected by the silt and by the lack of any riparian area that is damaged. It takes a few years for that to come back so there are serious problems.

Mr. LONGLEY. What does it do to the fish in the water? Do any of them survive it?

Mr. REYNOLDS. Well, it depends on how hot it is and how deep the water is.

Mr. LONGLEY. So what you are telling me is that the impact will be very severe?

Mr. REYNOLDS. You bet.

Mr. LONGLEY. Remove any existing salmon that might be in the river?

Mr. REYNOLDS. It would affect all existing salmon in the river in my judgment.

Mr. LONGLEY. How long would it take for a river to recover from a devastating fire?

Mr. REYNOLDS. Well, that depends again on the activity that is taken in to try to come in immediately with our fire rehab crews, to come in and stabilize those banks, to try to provide for our blockages so that we can eliminate silt moving into it; the kind of activity we take to assure that the riparian area is open so that

in the spring if we get heavy runoffs we don't create more serious washing within the stream channel. It is a very complex process that we have to look at.

Mr. LONGLEY. You know, talking about complex processes, does it take a whole lot of common sense to understand that a danger of a forest fire is something that ought to be prevented?

Mr. REYNOLDS. We work very hard to try to prevent them, but they are part of that natural system. And I don't know that we are going to prevent all of them ever.

Mr. LONGLEY. Is it now our policy to allow the fuel loads to continue to increase, to allow the risk of forest fires to increase?

Mr. REYNOLDS. I don't think there is an overt policy by anybody to allow those stand replacement wildfires.

Mr. LONGLEY. Well, this kind of leads to my next question, and I apologize if I am duplicating a comment or statement that may have been made earlier. But I see representatives of six different offices; as I understand it, three Cabinet agencies and one independent agency. Could you each take maybe 30 seconds and describe what your role is in the context of the salvage program? We will start with Mr. Reynolds.

Mr. REYNOLDS. Yes. On national forest lands, the Forest Supervisor of the Forest Service is responsible for the management of those resources in cooperation with the other agencies as it relates to their responsibilities.

Mr. LONGLEY. And, Mr. Gaede.

Mr. GAEDE. Well, yes. Overseeing the Forest Service, our responsibility is not only to get salvage out and preserve the condition of the forest, but it is to preserve all of the values as well and to protect all of the values.

Mr. LONGLEY. And, Ms. Hayes.

Ms. HAYES. Yes. I am Chief of Staff and Counselor to the Director of BLM. I am not a forester or a fisheries biologist. I do policy work on the issues he has delegated to me. Among them are these timber issues and, particularly, the implementation of the Rescission Act. And I think all over the country where we have salvage timber, we view this as one of many tools that we can use to improve the health of the forest. This is a very important policy in the Bureau of Land Management and the Department of Interior.

Mr. LONGLEY. OK. And, Dr. Bellmer.

STATEMENT OF DR. RUSS BELLMER, CHIEF, ESA DIVISION, NATIONAL MARINE FISHERIES SERVICE, U.S. DEPARTMENT OF COMMERCE

Dr. BELLMER. I am Chief of the Endangered Species Division, and Silver Springs is NMFS's headquarters office. We give oversight to national policy. In this particular case, the delegation of authority for timber salvage sales consultation is with the Regional Director of the Northwest.

Mr. LONGLEY. Just a quick question. Does the risk of forest fire pose a threat to any endangered species that might be in our national forests?

Dr. BELLMER. Yes. Forest fires do propose a threat as was discussed earlier for increased siltation and decreased water quality.

Mr. LONGLEY. And then, sir? I am sorry. Mr. Sanderson.

**STATEMENT OF DICK SANDERSON, DIRECTOR, OFFICE OF
FEDERAL ACTIVITIES, ENVIRONMENTAL PROTECTION
AGENCY**

Mr. SANDERSON. Yes. I am the Director of the Office of Federal Activities in the Environmental Protection Agency. Our interests are in working with the Forest Service and the Bureau of Land Management. Our responsibility is under water quality, nonpoint source runoff, siltation, those kinds of issues, sir.

Mr. LONGLEY. Do you have any statutory authority to regulate habitat?

Mr. SANDERSON. No, sir.

Mr. LONGLEY. And is there any statutory authority for your involvement in this issue?

Mr. SANDERSON. Yes. Water and water quality issues and siltation and runoff in the streams of wherever the forests are, sir.

Mr. LONGLEY. So you would have a concern about the risk of forest fires as well as expressed by the other gentleman?

Mr. SANDERSON. Correct.

Mr. LONGLEY. OK. And, Mr. Jackson.

**STATEMENT OF GERRY JACKSON, DEPUTY ASSISTANT FOR
ECOLOGICAL SERVICES, U.S. FISH AND WILDLIFE SERVICE,
U.S. DEPARTMENT OF THE INTERIOR**

Mr. JACKSON. Yes. I am Gerry Jackson. I am the Deputy Assistant Director for our Ecological Services Program within the Fish and Wildlife Service. And we have responsibility for the Endangered Species Act outside of those aspects that are overseen by the National Marine Fisheries Service, mainly being anadromous fish.

Mr. LONGLEY. My time has expired. I will have questions in the next go-round and continue on this line. Thank you.

Mr. COOLEY. Thank you. Gaede, can you tell me since we implemented the new law, Public Law 104-19, what does it now take to get a salvage bill prepared out for bid compared to the old system that we had before? Just timewise, as you have heard previously when you were sitting here, sometimes it took five years. What are we looking at now under the new law compared to what the old law was, and the old law being I guess Option 9 which was not a law but some way of getting out the dead and dying and the salvage part?

Mr. GAEDE. Well, I think especially if you look at it within the context of declining resources, I think we are doing more with less, and we are learning to do it better and faster. I know that aside from the site preparation time, our times are down below 45 days of getting environmental documentation prepared and getting a decision ready for a decision.

Mr. COOLEY. What was it before? Do you have an idea of what it was before?

Mr. GAEDE. Yes. I think it was anywhere from 220 to 475 days.

Mr. COOLEY. Well, it is really nice to see that increase.

Mr. GAEDE. And under the new one, I guess the entire process takes about 160 days. But we are down below 45 days I think once we go beyond the initial preparation stage.

Mr. COOLEY. You stated that there is a reduction in salvage demand. What is a base for that statement?

Mr. GAEDE. Pardon me?

Mr. COOLEY. You stated that there has been a reduction in salvage demand. What is the basis for that statement? It is in your written testimony.

Mr. REYNOLDS. Could you repeat the question?

Mr. COOLEY. In your written testimony, you say there is a reduction in salvage demand. What is your basis for that statement? Can you give me some idea for that?

Mr. REYNOLDS. Well, as you have probably seen, the market demand dropped very quickly early in the summer just as we got into harvesting. I think a lot of volume was coming onto the market again, and it dropped, and that reduced a demand nationally. But as you know, timber cycles, and we are going to continue on a cycle. There has been price sensitivity because prices got too high, and I also believe that there was timber coming in from Canada that makes a big difference on what is available in the United States at any one time.

Mr. COOLEY. OK. I notice that there was a comment earlier by one of the witnesses saying that some salvage sales were put out. They were not accepted because of the loss of dollars, and they went back and readjusted. And the helicopter part was taken out, and they were rebid again.

Do you think that maybe we ought to look at more traditional logging methods if the climate is right and the terrain is correct instead of just arbitrarily maybe—we are having a feeling I guess from witnesses on our field hearings that maybe too much helicopter logging is being demanded by the Forest Service. Could you make a comment on that?

Mr. GAEDE. Mr. Chairman, I know of no policy, and Gray can correct me if I am wrong, that dictates what type of harvesting techniques we are using anywhere. I think that is an on-the-ground decision made by individual foresters.

Mr. REYNOLDS. Yes. And I think this is a fair question that you just asked, and I heard the other panels and their concerns about it. And, obviously, salvage in unroaded areas or undeveloped areas, it is much easier to get in there. You can get in there quicker. You don't have to build the roads. As roads are built, you have got an investment that then has to be maintained.

So part of the question is how quickly can we get into the area? What are the site-specific reasons that you need to go to helicopter? We feel very strongly we do need to work close with the industry on this issue, and we have lost expertise as it relates to helicopter logging, and we are trying to bring that back.

Mr. COOLEY. I am going to ask you a point-blank question which is not very polite, but I want to do this. Why are regional foresters not given the discretion to prepare salvage sales under the new law? Because if they are, then we wouldn't have this—what we are talking about—salvage right now of helicopters or road building.

From the testimony received under oath and putting some of your regional foresters under the pretty heavy hammer, they are pretty well hampered of what they can do without going through consultation with Washington. Can you tell me what is going on now?

Mr. REYNOLDS. Well, to the best of my knowledge, the sales we have been talking about have been sales that have been done before we got the streamlining in the memorandum of agreement in place. That was the way we were doing business, and we have had some real disagreements at the end of the decision process.

And that was the commitment that the Administration made with the memorandum of agreement, to get all the parties up front, signatory to a commitment to get the process streamlined, and move it forward. And I think that is the value that we will begin to see come out of the current process as opposed to the old process.

Mr. COOLEY. OK. One last question even though I have lost the time. I need to have a clarification. Redding, California, hearing—I sent a letter requesting salvage volumes from regional five which the hearing was located. The regional five replied the response letter was being cleared in Washington.

Like I said to him, policy I can understand going to Washington. That doesn't bother me a bit. But why does data have to be cleared by Washington, DC, in order to give to a congressional hearing? Because without that information, our hearing was, you know, partially null.

We had a lot of questions involved in the volume process, and yet we could not get into a good discussion because the letter was sent to Washington, and I don't know which agency handled it—Washington sent back the letter for his statement and OKed for him to make his written statement.

But the letter responding to my questions concerning information about salvage timber, what is available, et cetera, et cetera, you never cleared. Washington never cleared that. So when he came to the table, and I put him on the spot under oath, he said, "I am sorry. I can't give you that information because it has not been cleared by Washington."

Now, the thing is is that if he is the regional forester, then he has the ability to have discretionary ability to get out salvage under the new law. And yet when we asked for those figures, he can't give those to us because he must clear those with somebody else somewhere else. Can you explain to me what is going on here? Because it makes us very suspicious. That is all. You have to understand if you are on this side, you would be asking the same question.

Mr. REYNOLDS. Yes, and I understand. There are a number of lawsuits, as you well know, that have been filed against various portions of the rescission bill. And because of the kinds of facts and the Department of Justice's position, OGC reserves the right to review our documentation before we send it out just to make sure that we are consistent and we are not creating a problem with some of the responses that we give you when we are maybe in Court. And it is a relationship between the lawsuits and the regional forester's responsibility to provide you information.

Mr. COOLEY. And you feel that data might be used against you in a lawsuit. Is that what we are saying here? These are facts. It is not a policy decision. This was a fact. What are you doing, how much you have done, what is available, and yet you can't respond to that.

And I know about the lawsuit. Basically, the lawsuit nullifies all your forest practices documentation. Period. It is unbelievable. I read that thing the other night, and well, anyway, I don't want to get into that. That is a whole different problem. But can you answer this?

Mr. GAEDE. Mr. Chairman, actually the Department of Justice reviews that as well, and, in fact, it is almost exclusively data and technical information that they screen for because that is the type of information that is often used against us.

Mr. COOLEY. The lawsuit—isn't it on 6 and 318 primarily and not on salvage? So why was the salvage data still not given to us? And, by the way, we still don't have it. We have a fax machine and information. Our general counsel here still doesn't have it, and I specifically said to the forester there who is in charge of region five, "When am I going to get this?" He said, "We will get it as soon as we can." We still don't have it.

Mr. GAEDE. Well, Mr. Chairman, actually we do have lawsuits on salvage as well or at least they cover salvage sales as well. In this particular instance, I think the regional forester was told or encouraged to respond and be as responsive verbally as possible. But, again, we are still required to have any written material reviewed by our OGC and Justice. And we have our OGC attorneys here if you care to direct any more questions to them.

Mr. COOLEY. OK. If you have lawsuits on salvage on Public Law 104-19, would you make those lawsuits available to this committee? We would like to see those because we haven't seen them. We only saw the one on the 318 section. That is all we have seen, and that wasn't that big, but it was very easy to go through it and understand what is going on. But we didn't see anything on salvage. Nobody up to this point has told this committee that we had lawsuits on Public Law 104-19.

Mr. GAEDE. No. We will be happy to provide that summary. In fact, Mr. Chairman, we may even have it available right now.

Mr. COOLEY. I appreciate that. It would help us understand some of your problems.

Mr. GAEDE. It is a growing list.

Mr. COOLEY. I am sorry, Mrs. Chenoweth. It is your floor.

Mrs. CHENOWETH. That is OK, Mr. Chairman. I am just sitting here astounded at what I am hearing. The technical information that this Chairman asked for—technical information—not only had to be cleared, Mr. Gaede, through you and Mr. Reynolds, but through the Department of Justice—technical data?

Mr. GAEDE. Yes. Yes.

Mrs. CHENOWETH. Why?

Mr. GAEDE. Because that is the type of information that frequently is used against us in lawsuits. I have Mike Gippard here who is the Deputy for Natural Resources at OGC who could maybe better answer that.

Mrs. CHENOWETH. No, wait a minute. I am asking you.

Mr. GAEDE. Right. He is a lawyer.

Mrs. CHENOWETH. I understand that. Mr. Gaede, how many people did you bring with you today?

Mr. GAEDE. Just me and Gray Reynolds.

Mrs. CHENOWETH. How many assistants do you have out there in the audience? You referred to an attorney.

Mr. GAEDE. Right. There are other agency people here. I don't have any assistants.

Mrs. CHENOWETH. You are under oath, sir. I want to know how many people you brought with you, and I don't want my questions run off the track. I want you to answer directly.

Mr. GAEDE. I am. I brought no one with me. I know other people planned to attend in addition to Mr. Reynolds who was asked to testify. But I gave no direction to anyone to come or assist me in any way.

Mrs. CHENOWETH. How many people in this audience are from the Forest Service or USDA?

Mr. REYNOLDS. Could I ask them all to stand up? And I am the one that asked them to come to answer the questions that you have been asking. Would you all stand?

Mrs. CHENOWETH. How many people are here from the Bureau of Land Management, Mrs. Hayes? Would you ask them to stand?

Mrs. HAYES. Yes, just two I believe, and myself.

Mrs. CHENOWETH. Mr. Bellmer, how many people came with you?

Dr. BELLMER. Three.

Mrs. CHENOWETH. And, Mr. Jackson, how many people came with you?

Mr. JACKSON. Just one.

Mrs. CHENOWETH. And, Mr. Sanderson, how many people came with you?

Mr. SANDERSON. Just two.

Mrs. CHENOWETH. Just two. Mr. Johnson, how many people came with you all the way from Oregon?

Mr. JOHNSON. One.

Mrs. CHENOWETH. You or one other person?

Mr. JOHNSON. One other.

Mrs. CHENOWETH. One other. Mr. Reynolds, how much of this salmon decline is really honestly associated with salvage logging?

Mr. REYNOLDS. Well, a listing of the salmon species requires us to go through and look at each particular sale as—

Mrs. CHENOWETH. Excuse me, sir. I don't think I made my question clear. Let me say it again. How much of the salmon decline is associated with salvage logging?

Mr. REYNOLDS. Well, all the habitat that directly flows into the Salmon River is related to the listing of the salmon.

Mrs. CHENOWETH. How much of the decline of the salmon population is associated with salvage logging?

Mr. REYNOLDS. I couldn't answer that question without going back and identifying all the forests that had listed salmon on them, but it is a large percentage, I believe.

Mrs. CHENOWETH. Do you know, Mr. Reynolds, that the Boise River changed its course where the creek flowed into the river forcing the whole Boise River over the adjacent road near Trapper Creek and Robert E. Lee Creek and significantly underwashing the road near Wren Creek? You are familiar with that country?

Mr. REYNOLDS. Yes. I saw videos of the impacts of that rainstorm this summer.

Mrs. CHENOWETH. And do you know that likely that wouldn't have happened if we could have gotten in there with some reforestation projects and shored up those areas?

Mr. REYNOLDS. Now, are you asking me for my judgment on that?

Mrs. CHENOWETH. I am. Everything has to be cleared through—

Mr. REYNOLDS. OK. I don't believe that whether we had gone in there at this point in time and had done reforestation would have prevented the happening this summer to have occurred.

Mrs. CHENOWETH. On the one hand, you are answering everything I ask you or my first rounds of questioning about the decline of the salmon. And yet you are saying nothing that you could do could prevent the Boise River from changing its course and washing tons and tons of silt down the stream to destroy spawning habitat.

Mr. REYNOLDS. OK. Let me go back. I believe that the management that occurred on that area over the last 20 years had more to do with what happened this summer when that rainstorm hit than what was done in the last couple of years.

Mrs. CHENOWETH. You know, I just have to say that based on the testimony that I have heard not only from the timber salvage hearings and from what I see and hear from my constituents and what I am seeing and hearing today, I am convinced that the Forest Service is broken—real badly broken—and that we need to follow through on a pilot program to have one forest in each State managed by the State or another local entity.

We have really felt that the salvage sale program was a litmus test for your agency, and you may think you can wait us out. And I may only be a two-year Congressman, but I will tell you the American people have taken a hold of this country. And the challenge was laid down, and it is not business as usual. It is simply not. Thank you, Mr. Chairman.

Mr. COOLEY. Thank you, Mrs. Chenoweth. Mr. Longley.

Mr. LONGLEY. Thank you, Mr. Chairman. I want to follow on some of the questions I asked a few minutes ago. I want to volunteer a statement, but I think I want to honestly invite some reactions from the panel. And I want to make clear that I am a member of the Resource Committee. I have been appointed to this panel, and, very candidly, the problems with salvage in the West are not necessarily a negative to the timber interests in my State.

In fact, in many cases, the rise in the price of lumber is not something that many of the people I represent would complain about. So I want to offer these comments in a spirit of honesty in terms of what I saw myself not only in the testimony during the hearing, but also during an overflight of the national forests in the vicinity of Redding.

It is clear to me that the Congress felt there was an urgency in terms of the risk and the threat to the national forests, that the buildup of dead and dying trees, trees rotting on the stump or laying on the ground, the buildup of biomass or the fuel load were presenting the threat of catastrophic fires.

And I won't say that everyone was in agreement with all of the environmental laws that were restricting apparently—and I say ap-

parently—restricting the ability of the Forest Service to reduce that fuel load and to salvage a lot of that timber, but I think there was a recognition that maybe, in fact, we needed to give a little bit of a window so that we could deal with the problem.

I really don't feel like we should be holding this hearing, and I don't feel that I should be spending my valuable time here today confronted with a memorandum of agreement from the Administration that basically reaffirms the requirements of the existing environmental laws that the Congress felt were actually interfering with our ability to remove a serious hazard in the forests, and that were actually interfering with our ability to manage the forest in the interest of the forest, in the interest of the species, particularly the endangered species, that were living there.

I may be naive, and I may be in the same track that Mrs. Chenoweth represented, but common sense tells me that you manage the forest, that you don't allow a buildup of a hazard. I recognize that there are certain areas that you don't want to touch, but it seems to me there is an element of common sense here where you look at a forest, as I did on Saturday, and you say to yourself, you know, 30 or 40 percent of the trees in this forest are dead on the stump.

Then we had a witness who brought a picture of four-foot logs by the side of a road that have been cut, and the witness suggested that the logs were there because the Forest Service was unable to issue the permit for somebody to lift them off the side of the road and put them on a truck and take them to a sawmill.

Now, mind you, it is not a question of whether or not these trees were going to be cut. It is not a question of whether or not we are going to do any environmental damage getting them out of the national forest. It is a question of what kind of regulatory hurdles have we established that prevent the agency or prevent the Service from getting somebody to pick the tree up and put it on a truck.

And at the hearing in Redding, one of the things that I was struck by and is a parallel here today, one of the foresters was commenting on the fact that he had worked diligently over a multimonth period of time with representatives of different environmental groups. And, in fact, we had three different individuals representing the Citizens for Better Forestry, the Klamath Forest Alliance, the California Wilderness Coalition, Central Sierra Environmental Resource Center, the Wilderness Society.

Several of the witnesses testified that their organizations didn't use broad-based appeals to shut down harvesting on national forests. They claim that their organizations rarely used appeals. They bent over backwards telling us that they only were going after two percent of the awards that were being made in the forests, just to get at the specific problems where they disagreed with the criteria.

And then later in the hearing, one of the Forest Service planners brought a copy of a request for an injunction that had been filed barely a week before—a week ago on October 10—and he quoted from the language, and it said, "In accordance with"—and he cited 36 C.F.R. 217.10[c]—"appellants request a stay of the regional forester's implementation of the management plan.

"Specifically, appellants request that the Forest Service halt the offering and awarding of any timber sales, the construction of any

logging roads"—not this logging road, not this timber sale, any logging sale, any timber—"any logging road, the approval of any grazing allotments, any mining activity pursuant to the management plan pending disposition of this appeal and any ensuing litigation."

Now, mind you, the groups that were named parties to this suit were exactly the same groups that had testified earlier at the hearing and had told us explicitly how they were not interested in blanket obstruction with the process.

I only mention this because I think the Congress in good faith felt that the situation in the West was serious enough that we needed to give a green light to get some harvesting activity going forward. And we didn't want to waive all of the environmental rules or laws. We wanted to move the process forward to deal with the immediate crisis.

I guess the point I am making, and I am going to have to come back to my next round of questioning to get an answer, is I am looking at representatives of six different Federal offices. We have got almost 20 or 25 different officials here in this room today, and I have got to say to myself, you know, if we have five or six Federal agencies that can't figure out how to get a dead tree out of the woods, then I have got to suggest, and this is what I would like to comment on, what is wrong with saying to those five or six different offices, "Please go into a room and come back to us and tell us which of the five of you we don't need."

Because common sense dictates that if you have got a dead tree, you get it out of the woods. Common sense dictates that if it is on a steep slope that you try to take appropriate environmental concerns. And I am just saying where is the judgment involved here? And I will go one step further because I know that some are going to say, "Well, they go off into the woods, and they do incredible damage."

If there are instances of damage, I have got a same question. Why hasn't appropriate action been taken? What is happening in the woods if, in fact, there are cases of abuse where people are doing egregious damage and they are not doing what they said they were going to do and what the agency expected them to do, what do we need to do to make sure that we have appropriate recourse so that doesn't happen?

But in very simple terms, it seems to me that we have built up a regulatory structure that has as its objective anything but appropriate harvesting or particularly harvesting of trees that need to be salvaged or elimination of conditions that potentially create threats that every one of us in this room want to avoid. Again, I apologize for taking too much time. I am going to stick around, and I would like to come back and talk more about that when I have my time back. Thank you, Mr. Chairman.

Mr. COOLEY. Thank you, Mr. Longley. Along those same lines, we talked about the new system we have and how much more streamlined it is, and we talk about the MOAs. In our hearing in Redding, we talked to some of the forest personnel high level, and some of the comments were that—and these, by the way, were under oath—were that the MOAs are more restrictive and putting more restrictive laws than the law was—as the way the forester read the intent of the law. Can you elaborate on that?

You have somebody saying, "The way we read the law, we could get this thing done very quickly. Now, that we have the MOAs, it has literally shut us down and made it more restrictive than we thought the law really was." I don't care who answers that. Anybody can.

Mr. REYNOLDS. It is a complex situation, but I believe very firmly that the MOA is bringing all the parties and the complexity of these issues where there—we have talked a lot about fish and wild-life issues, but there is a whole other group of issues out there. And I believe that this brings everybody together.

Forest planning is a difficult problem because you have got to get people together and go through the process and agree on a final decision. And unless you get the input, it is hard to make a decision that you can justify when you have to defend it. And remember, we have to defend these decisions in Court.

Mr. COOLEY. I understand that. But wouldn't you say then or couldn't we conclude from that that the MOAs took away the discretion of the managers on the ground in the local areas?

Mr. REYNOLDS. Well, I guess my opinion is that the President felt very strongly that this is the way he wanted this rescission bill implemented. The Forest Service is responding as quickly and as positively as we can, and we think the other members are doing like so. And I believe that the results that I gave you as part of our outputs indicate that progress is being made.

Mr. COOLEY. Well, you heard the letter that the President wrote to Mr. Gingrich, the Speaker, and then you heard the letter on the MOAs. There seems to be a little contradiction there. I don't think there is any question that one is saying one thing and one is saying something else.

My perception of what has happened—and I think some members of this task force as well—is that the President wrote a letter to the Speaker. We were very, very pleased with the President's letter. We felt that that law would be implemented, directed to the Cabinet members, to the Secretary, and we would get this thing done; and then turn around in a short period of time and said, "No, no. We don't care what the law says. We are going to do it this way," which we think is circumventing the intent of Congress.

That is what we are really having a problem with. We think that the MOAs are circumventing the intent of Congress and, therefore, causing confusion, causing the lack of the decision process in the field. And I think that that is one of the main reasons we are having these hearings is because of this problem and the uncertainty by your field managers to make any decision at all without going back and getting prior approval from some higher authority. Whereas, we were hopeful that this would come back at the ground level with the cooperation of everybody involved and move this thing through the process. Because you know and I know every day that the burnt and dead and dying stand there is less value. Nobody is going to argue that point.

But remember, it is less value not only to the U.S. Treasury, but to those counties and also to the industry. And also I think it is less value to the forest health. We put in that bill replanting and some other things in there that I think would make the forest health—bring it back up again and make sure we have forests.

We talk about forests for our children and perpetuity. If we don't replant some of this dead and dying, it is never going to grow back, or what is going to grow back has no value. So looking at this whole aspect, how does the agency look on this as a step forward instead of a step back even though Congress wanted to go forward? It looks to me like we are going backwards.

And how do you perceive that at your level, and how are you relaying this to your field people that you have discretion? Because they don't think they have any discretion. They have to even get some statistics that are factual that anybody can obtain. They can't give them out even to Congress without your permission.

Mr. GAEDE. Mr. Chairman, anytime you have process and it doesn't result in any output or product, it is frustrating for everyone. I just go back to what we are projecting we will accomplish, and we are above what we had planned originally.

And I would also point out that in the MOA, if there are people within the agency that feel it is restricting them, it expressly directs all people within the agency to achieve to the maximum extent feasible salvage sale timber volume above the program level in accordance with Public Law 104-19, within the framework of maintaining forest health and ecosystem management.

And it further says that we will measure the performance of all parties and individuals' effort involved in the development and implementation of timber sales prepared pursuant to this MOA upon the combined achievement of the goals set forth in the MOA.

So we are saying that this is the goal. You go on to achieve it, and your performance will be measured based on that. And I will turn it to Gray because I know that that has been conveyed through the agency as well.

Mr. REYNOLDS. You know, I visit with the regional foresters about every day about these problems and challenges that we have got out there. And I have found what you have said, Mr. Chairman, is true. People are frustrated, and they are frustrated because of the continual changes that we are—and I believe this is true—in our society going through.

But there was training when the bill passed, and then the MOA came out. We had a period of adjustment to make just like the other agencies did. We already had a whole series of projects that were already in the pipeline. We couldn't go back and start them over, and we shouldn't have.

But those are the ones that are creating the frustration right now because they didn't have representation from the other agencies as we started the decision process. And so they have been doing things under the old system.

When we have an MOA that says it is going to be streamlined and simplified, and they see both those things happen, and the new projects that they put on line today are being dealt with different than the ones they are completing, that they have been working on for six months, and that creates tremendous frustration in their mind.

Mr. COOLEY. So, Mr. Reynolds, I can assume from your statement there that you would give field personnel discretionary deviation from the standards, guidelines if they did not violate environmental law in doing so. Is that true?

Mr. REYNOLDS. That is true.

Mr. COOLEY. Can I sort of assume that that is what you are saying?

Mr. REYNOLDS. Yes. And that is the reason that that NEPA document contains all the information necessary to support the decision. That is the one document when challenged that we will go to Court to show how we made that decision.

Mr. COOLEY. Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman. Mr. Reynolds, who specifically advised the President on the MOA?

Mr. REYNOLDS. I don't know. That was not in the Forest Service.

Mrs. CHENOWETH. Mr. Gaede, who advised the President on the MOA? Now, the President indicated that he put together the MOA based on recommendations. Who gave him the recommendations?

Mr. GAEDE. Well, actually the MOA was put together at the direction we received from the President upon signing the bill itself.

Mrs. CHENOWETH. Direction you received from the President?

Mr. GAEDE. From the President in the memo or letter he sent to all the departments.

Mrs. CHENOWETH. Now, that is not consistent with what he has told us. He has told us that this was a recommendation from the agencies.

Mr. GAEDE. No. I believe his letter, in fact, dated August 1, 1995, indicated that, "I am directing you to enter into a memorandum of agreement by August 7, 1995, to make explicit the new streamlining procedures, coordination, and consultation actions that I have previously directed you to develop, and that you have implemented under the existing environmental laws."

Mrs. CHENOWETH. Mr. Gaede, did Katie McGinney have any involvement in this MOA?

Mr. GAEDE. I can't answer that.

Mrs. CHENOWETH. You can't or you won't?

Mr. GAEDE. No. I do not have any knowledge of that.

Mrs. CHENOWETH. So you don't know. Mr. Reynolds, do you know?

Mr. REYNOLDS. I don't. I do not know.

Mrs. CHENOWETH. OK. Mr. Gaede, how many appeals have been filed nationwide for individual timber sales offered under the authority of Public Law 104-19?

Mr. GAEDE. Both administrative and litigation? Administrative appeals?

Mrs. CHENOWETH. No. Outside organizations filing against the agency—judicial.

Mr. REYNOLDS. I can't answer that question—how many, but we will provide that information to the committee.

Mr. GAEDE. I do have a list of the pending litigation—the rescission cases, and I believe it is close to 18 currently pending cases right now.

Mrs. CHENOWETH. And who are the litigants?

Mr. GAEDE. I can read down the list if you would like. National Forest Resource Council v. Glickman; Pilchuck Audubon Society v. Glickman; Scott Timber Company v. Glickman; ONRC v. Thomas. I think that is the Oregon Natural Resources Council. Native Americans for Enola v. United States Forest Service; Oakhurst v.

United States Forest Service. I think that is an individual one. Blue Mountain Native Forest Alliance v. Glickman; Seattle Audubon Society v. Thomas; Mahler v. United States Forest Service. I believe that is an individual again. Sierra Club v. United States Forest Service; Inland Empire Public Lands Council v. United States Forest Service; Kettle Range Conservation Group v. United States Forest Service; Silver v. Thomas; Kentucky Heartwood v. United States Forest Service; Alaska Forest Association v. the United States; Alaska Wilderness Recreation & Tourism Association v. Morrison; David Smerski v. USDA. These are contract claims. Scott Timber Company v. the United States.

Mrs. CHENOWETH. Was Scott—

Mr. GAEDE. There are two actions I believe that they filed. One is a contract action and one is in District Court.

Mrs. CHENOWETH. OK. You know, it is very interesting, but during the Redding, California, hearings, several environmentalists testified regarding their views on the new salvage law. And, by the way, I wonder if you could submit that list for the record?

Mr. GAEDE. Yes. We would be happy to.

[The OGC list can be found at the end of the hearing.]

Mrs. CHENOWETH. OK. Several environmental organizations testified regarding their views on the new salvage law. The organizations they represented included Citizens for Better Forestry, the Klamath Forest Alliance, the California Wilderness Coalition, the Sierra Environmental Resources Center, the Wilderness Society.

Several of the witnesses testified that their respective organizations did not use broad-based appeals to shut down timber harvesting on national forests. Rather, they claimed that their organizations rarely used appeals and then only to prevent specific timber sales which they opposed.

Later in the same hearing, a forest planner from the Klamath Forest brought this appeal, an appeal filed against the Klamath Forest on October 10, that literally shuts down the whole planning process under Public Law 104-19.

And the appeal was filed by the Klamath Forest Alliance, the California Wilderness Coalition, the Wilderness Society, and seven other environmentalist organizations. It was underwritten by the Sierra Club Legal Defense Fund. It appeals the entire forest plan for the Klamath National Forest.

Remarkably, the forest planner testified under oath that many of the same organizations which filed this appeal sat at the table with him to prepare the forest plan. Now, that is intolerable and unconscionable. I can only appreciate the frustration that you must go through, and I want to believe that you want to push these things ahead. I honestly do. But we have got to look at the granting process too to see what we can do from the Congress to cut their funds off. Mr. Reynolds, would you like to comment?

Mr. REYNOLDS. I need to correct an answer I gave you when you asked about appeals. Obviously, appeals aren't allowed under this rescission bill—administrative appeals. Lawsuits are allowed but not appeals, and I am sorry. I want to correct the record.

Mrs. CHENOWETH. Thank you. I see that my time is up, Mr. Chairman. I had one more question that I wanted to ask.

Mr. COOLEY. Go ahead. You may have the extra time, Mrs. Chenoweth.

Mrs. CHENOWETH. Mr. Bellmer, we are finding that many projects in the Payette National Forest could move ahead including grazing permits, reconstruction of water conveyance system, timber sales and so forth, and even projects involving mining companies. But the National Marine Fisheries Service will simply not consult and approve—they will not move the process through with the Forest Service. Why do we have an agency out of Portland, Oregon, that is so slow and obdurate? Something must be done.

We have several pending projects, and the National Marine Fisheries Service will not clear them, although they have been cleared as being environmentally benign. And, you know, all of the agencies have signed off on them, but the National Marine Fisheries Service will not. Why is it?

Dr. BELLMER. These projects are timber salvage sales or what type of activities?

Mrs. CHENOWETH. No, not necessarily. They are grazing. They are sales that are led under the forest plan. They are projects having to do with longstanding water rights and easements. Every activity on the forest is being hampered and stopped by the National Marine Fisheries Service, and the agency may have signed off a year ago, and yet we cannot get the sign-off by the National Marine Fisheries Service.

I asked Mr. Schmitt about that when he was in front of us, and he could not hardly believe that what I was saying was true. It is. It is a fact. What is going on in the Portland office, and why is the National Marine Fisheries Service acting to frustrate this activity?

Dr. BELLMER. OK. I am sorry I am not familiar with exactly those projects, but our Portland office is working very diligently. As a matter of fact, since the MOU was signed, we have completed nine of the nine salvage sales submitted, which are all of the timber salvage sales that came into being since the MOU was signed.

Since the listing of the fish, we have done informal consultations on approximately 1,100 projects and formal on 200. And out of those, we have issued one jeopardy opinion, and that had reasonable and prudent alternatives to allow that project to go forward. As of yesterday, we have cleared all the road use permits that have been submitted to us.

So I am surprised to hear that we are not moving because we are trying very diligently to be very responsive, and we are very supportive of this. As was pointed out earlier, we have reduced our consultation time considerably, and we are making every effort to meet the 60-day agreement for formal consultation and 30-day agreement for information that is starting in the MOA.

Mrs. CHENOWETH. I appreciate hearing that report, but I want to put in for the record and would like to work with you on this that in Idaho in my district there was a water conveyance system that the National Marine Fisheries Service wanted to have altered. And they sent a man over from the Portland office even though the Boise office could have handled it.

They sent a man over who just suggested to the water user that maybe he just ought to give up his water rights. And when asked

about junior water rights, he asked the audience, "Well, what is junior water rights?" He asked, "What is the prior appropriation doctrine?" He asked basic questions that anyone who should have come from Portland, Oregon, into Idaho should have known, and then he admitted that he didn't know anything about the case and had just had a two-hour briefing before he came.

And so I urge you—I am not doing this just to embarrass you, but I am doing this to prod the Washington, DC, office into looking into the Portland office. I talked to Mr. Schmitten last time he was before the committee, but this is going to have to be my next priority because the Portland office is not responding. I am pleased to see that the consultation process in large part, as you report, is being improved, but this is just the beginning. Thank you.

Dr. BELLMER. Yes. We will investigate that and get back to you as soon as we can.

Mrs. CHENOWETH. Would you please? Thank you.

Dr. BELLMER. Thank you.

Mr. COOLEY. Thank you. Mr. Longley.

Mr. LONGLEY. Thank you again. I want to go back to the previous line that I was offering in my statement. I think the more I hear the testimony and the more I think about what I have had a chance to see and hear during the hearing over the weekend, the more I am beginning to become convinced that the process that we have established is, in fact, the reason that we have the crisis and the need for a salvage timber bill.

And I want to invite members of the panel to challenge what I am saying, but I will just begin by a piece that I didn't bring out. When the forest planner testified before us, when he contradicted the three different representatives from the different environmental organizations, he conveyed a sense of tremendous disappointment and even indignation that he had worked as hard as he had, for as long as he had trying to accommodate the interests of these different groups, only to find that their interests really weren't in helping make the process move forward. Their interests were only in obstructing it.

And, again, I would throw out to you if we have six agencies here, what is wrong with asking the six of you to agree which five of you don't need to be represented here? What is going to be the effective way that we can manage the forests and get some people with some common sense and some judgment?

And I begin with the hypothesis that we have hired perfectly good foresters who are experienced and are environmentally sensitive and conservation oriented to deal with this problem. How is it that we have three different Cabinet offices and another regulatory agency all involved in deciding which dead trees we are going to bring out of the forest? Mr. Reynolds?

Mr. REYNOLDS. We talk about and work with that problem every day, and it is a tough one. And I guess from my perspective, this particular rescission bill and the memorandum of agreement gives us the best chance within the government to get agreement. It gives us a process that is streamlined, that shows a commitment for each of the agencies to step forward and get involved in the process. Now, the bigger question you asked was—

Mr. LONGLEY. I don't mean to interrupt, but I am reading right from the language in the MOA, and, basically the way I read this MOA, it says, "Look. We don't care what Congress passed. We are not going to change anything we are doing. We are going to use existing processes."

Mr. REYNOLDS. That is not the interpretation that I have because I implement that. That is not my interpretation.

Mr. LONGLEY. Well, if you could include that in your response. I am interested in your views, but part of the problem I am dealing with is that the impression that I am getting is the Administration is basically saying, "Look. We don't care what the Congress passed." It is business as usual. If you could correct me, I would appreciate it.

Mr. REYNOLDS. I don't believe that is the case, and I believe in 1991 we were under an injunction. There was zero coming out of the Pacific Northwest. The forest plan was a difficult plan, and you heard testimony from people that still don't believe it is going to work. Our commitment is to try our darndest to make it work. When I say we, the government's commitment is to make it work.

Mr. LONGLEY. But why isn't it working? What is going wrong here?

Mr. REYNOLDS. There are many people that totally disagree with any management at all, and those people have every right of anybody else to raise their issues and go through the processes to challenge whether we are legally operating or not. Many of these issues that we are evaluating on the ground are very difficult. You can't run out with a ruler and measure soil productivity.

Mr. LONGLEY. But if Congress has made the decision that there will be management, and if that issue is moot from the standpoint of congressional intent, what are they doing with the laws that are on the books now or the processes that are on the books? How are they frustrating the intention of Congress?

Mr. REYNOLDS. I think we have collapsed those laws into the essential ingredients that have to be considered as you put together a salvage sale. And we have all of the representatives on board including the public to raise the concerns that they have and go through the NEPA process and make a decision. Under the law, we are required to do that. I don't know how to do that any quicker than to get everybody up front when we start the planning process.

Mr. LONGLEY. Do we need to be more aggressive in dealing with what the requirements of the law are? Do you need more discretion to do your job?

Mr. REYNOLDS. Well, I think that is a judgment that the Administration and the Congress is going to make. We are an agency that are going to do our best to try to make it work irrespective of what that law is when it becomes a law. And we provide technical assistance and services when we are requested to to give you the best input we can.

I think we had an opportunity to provide input as Congress went through the development of the rescission process. And I think our estimates of what we can come out with, the changes in the bill when it was vetoed and then redone, we are committed right now, and we have said that as a group, to produce 4.5 billion board feet.

We are working hard. We may not get there. We had to plus or minus 25 percent in, but we are moving very hard and rapidly to try to bring this and to try to get agreement in those local communities between groups. They don't want to talk to each other.

Mr. LONGLEY. But, sir, this is what I am getting at. In the meantime—the trees that I looked at were white. That doesn't happen overnight. That takes years to get a tree in that kind of condition. And I am not a forester, but I have some experience in the woods, and I have got a fair amount of experience doing overflights of timber.

Ninety percent of my State is trees. And I can tell you that I don't know a responsible land manager in my State that would allow dead trees to accumulate unless there was a specific purpose to it; again, maybe for habitat or something or a specific stand but not as a matter of practice.

What I am hearing is, and, believe me, I respect what you are saying, you are trying to make it work. But from my perspective, it isn't working. And it just baffles my mind that I am going by trees—it was stunning to fly over a line with a landowner who owned a private piece of property adjacent to the national forest, and to see not just a subtle difference, a marked difference in the quality of the managed property against the stands of dead trees, logs laying all over the ground. It was a mess.

And I just can't fathom how we can be allowing that kind of a situation to be created. I have got to think that the foresters in the Forest Service are more professional than that, and I am asking myself and asking you, you know, what is wrong with what we are doing? Why aren't we getting effective management in some of these stretches of land?

Mr. REYNOLDS. Well, if you would fly over most private lands, you will find that they are well-roaded and have had a management program in place for a number of years. A lot of our land still is unroaded, undeveloped. Some is proposed for wilderness. The other is roadless areas that are sitting out there that have not been—Congress has not dealt with the wilderness question in the State of Idaho on a State basis or Montana as an example.

Compare the management and the history of that private land piece with that Federal land piece. I know that Boise Cascade has a piece that adjoins the Boise National Forest, and you can make that same comparison that you just made. And if you look at the management practices on Boise Cascade lands, it is substantially different. The size of it is much different. The access is much different, and we have learned a lot from the management on the Boise Cascades property as opposed to this whole question of forest health.

And what has happened on our lands is a result of fire management policies. I think the agency over a period of time has led in basic research as it relates to fire. We understand some of these causes and the natural variability question. In many cases in Idaho, we are out of that natural range of variability. We have had a lot more fir and Doug fir come into those stands.

The frequency of fire has changed dramatically. And when we get a fire now particularly under the last 10 years when we have had a number of dry years together, we are getting stand replacement

fire. Stand replacement fires will always occur but not in the sequence and the amount that they have recently. Those are changes that we have to make in bringing better management to the forest.

But as we do that, there is also impact such as the fishery impact. What do we do as a nation about the fishery impact? We have got to balance those two together. And I think that is the basic challenge that the Federal agencies share working with the Congress to try to straighten that out and try to assure that we have healthy watersheds that support a wide variety of fisheries and bring our forests back to healthy ecosystems. Nobody feels any more strongly about it than I do.

Mr. LONGLEY. Mr. Chairman, I just want to add something to what we talked about earlier, and I have a copy of the testimony of Dr. Kachinski, February 10, 1995, before the hearing of the Congress. And he is a practicing certified fishery scientist with 25 years of professional experience dealing with the salmon in the Pacific Northwest. He talks about the Tanner Gulch fire in the Upper Grande—I believe Grande Ronde River in 1989.

He says, and I will quote, "All fish and aquatic life were killed in a 36-mile stretch of the river, including all adults and eggs from the endangered spring chinook salmon population, the Snake River Stream, and chinook fry from the previous 1988 spawning. Fisheries biologists estimated that 50 percent of the fingerlings from the 1987 spawning were also killed, all that remained in that stretch of the river."

And he goes on to talk about, "Wildfires represent the largest single risk factor to many special status fish populations today. The current situation of poor forest health compounded by drought greatly increases the risk of wildfire.

"For example, in the northern half of the Wallowa-Whitman National Forests, wildfires have burned about 20 percent of the area between 1986 through 1993, an eight-year period. In other words, at present, there is a 100 percent probability of wildfire impacting most critical fish habitat there in roughly 40 years if conditions are not changed."

I want to add something, and I do want to get some comment from the other members of the panel. I want to emphasize, from my perspective, this is not about timber harvesting. I want to disabuse anybody of the notion that what I am concerned with is how do we get more timber harvesting in the forest.

This is about management of the national forests and about prior decisions of Congress, that the most effective way of doing that is working with the private sector either for biomass harvesting or for salvage harvesting in a manner that is designed to maintain a healthy forest.

And I don't think there is any disagreement about that, albeit I respect the fact, Mr. Reynolds, that you believe there are some to whom no management is the only management plan that they are willing to agree to. But, again, I would point out the Congress has decided that there will be management.

Congressional intent is that there will be management, but the structure of the statutes appears to have involved the Department of Interior, Department of Agriculture, Department of Commerce,

and the Environmental Protection Agency. Of the other members of the panels, what is critical about what you are doing?

Is it necessary that your agency be involved and/or are there methods by which some of that authority could be delegated to foresters who could be trusted to make the professional judgment that would allow this process to be expedited in a more reasonable fashion that we have seen? Mr. Gaede, we are going across the table. I recognize you.

Mr. GAEDE. I would just defer to—I agree with you.

Mr. LONGLEY. I want to emphasize, I am embarrassed to have to ask these kinds of questions. I respect the fact that you are all dedicated public servants, but it is becoming very evident to me that we have a process that is serving—the only objective which is being served is the objective of process. Would you agree with me?

Mr. GAEDE. No. And I would agree with that. If there is a process that isn't producing anything, that doesn't make any sense. If we do have a process that produces something and the numbers seem to indicate that they do, then I think that is a process that works.

But I would agree with you. It makes no sense when you go out and you see dead and dying trees in stands that we ought to be able to get into and remove for forest health purposes. And that is the direction we have given. I know the Forest Service is working hard on it. I guess I would just encourage you all where there seems to be a discrepancy in data that we have here.

You all are expressing the feeling that there is nothing happening. I look at numbers that suggest that there is something happening somewhere that the twain has to meet. I don't know exactly what is going on, but I certainly would be willing to work with you all to see what that problem is. Because if the data we are receiving suggests that projects are moving forward, and what you are hearing is that projects are not moving forward, we need to get down to the bottom of that. And I will just leave it at that.

Mr. LONGLEY. Ms. Hayes.

Ms. HAYES. Yes. I would agree. I think that what we have here are agencies with very different missions that operate under different statutes. BLM, for example, operates under FLPMA. We have a multiple use mandate. We approach things in a certain way. The Forest Service, EPA, approach things in a different way. The Clinton Administration may not always agree with you or with the Chairman or with Congress.

Mr. LONGLEY. And I respect that.

Ms. HAYES. But on this issue, I don't think we are really far apart. I think that on salvage and the need for forest health and the need to get this stuff out before it deteriorates or is not economically viable or whatever, we agree with that.

I think the idea of the MOA is not to try and thwart Congress's intent in enacting the statute, but instead to try and implement the statute in a way that minimizes conflicts, minimizes disputes among the agencies and among the public which has less access because of the, you know, no administrative appeals and so on.

Nobody wants to have these issues resolved in court if we can all resolve them at some early point among ourselves. Now, I know there is a lot of litigation, but I, frankly, believe personally there

would be a lot more if we weren't involving the public at an early stage, if we weren't attempting as agencies to come to some agreement here.

Mr. LONGLEY. Nobody is arguing with that, but I would ask this question. From your experience or from the experience of the people that you supervise, to what extent has that served as a subterfuge for an avoidance of any decision whatsoever?

I am coming back to the testimony of the forest planner who expressed great frustration, that as hard as he had worked to accommodate the interests of all the different groups including I think designated, you know, 50 or 100 miles of riverfront as a wilderness area, that even though once he was done the process, they just still turned around and sued him.

And I guess what I am saying is, you know, we all know common sense says you work with people that you can work with, but there are some people that apparently have no interest in working with you so why waste your time?

Ms. HAYES. Well, I think that is very frustrating. I think our experience has been, though, that that is not the normal course. And our experience in the BLM out in Oregon, Idaho, and other places has been that we are working well not only with the other agencies, but with the purchasers—the timber purchasers with, you know, the State agencies.

We have people working very hard out there, and that is why it bothers me when I hear you saying this whole thing is a failure, and we are not getting the salvage out. Because they are working very, very hard, and I think from our perspective that we are succeeding.

I don't know where all the problems are. I can tell you where BLM anticipates problems, and that is with access, with salvage in Alaska and the interior of Alaska where it is frozen a lot of the year. Is there a market for it up there? I don't know. This is going to be a problem next year because we have a chunk of offerings up there. But I think this is working, and you need to give us a chance to show—

Mr. LONGLEY. I respect what you are saying, but that wasn't the experience that we had at the hearing where the regional representative was testifying that he couldn't even make a statement in front of a committee without having to clear it with Washington, couldn't answer basic questions from the Chairman, you know, in terms of what the facts were.

Now, mind you this. Now, I am not a forester, but he was very optimistic that by December of 1995 they might have a conclusion as to how the process should move forward. Now, again, I am not a forester, but I know that December, January, February, and March are not the months to be harvesting timber in northern California. From an environmental standpoint, it is the absolutely worst time to even think about it.

And so what I am getting at is if the person that is running the forestry service out there doesn't have enough common sense to know that December, January, February, and March are not the times to be harvesting, what is going on? Do you follow?

Mr. REYNOLDS. Well, let me just say that in some of the winter, that is when they are frozen solid, and you can cross them without serious impacts.

Mr. LONGLEY. This was the Redding area, and I don't think it ever freezes. In fact, they are palm trees. But the rainy season is between December and March. In talking with a number of the witnesses—there were probably 40, it was very clear that anyone with any brains didn't go near the woods during those months.

Mr. GAEDE. Well, if I can answer one, I think one thing that you were observing in the particular case that you were referring to, I think we discussed the fact that the written material couldn't be submitted due to a need to review by OGC and the Department of Justice. The individual was told to give verbal responses.

But I think what you were observing to a large degree is a certain amount of combat fatigue. You know, when you are out there day after day and you are getting pounded on on all sides, your natural reaction is to not make a decision. And that is unfortunate, and we are doing everything within our powers to try to encourage people, empower people to move forward and make those decisions. But I think that is a natural reaction to getting pounded on by all sides over an extended period of time.

Mr. LONGLEY. Well, this is our frustration too. What do we have to do to give the reasonable people in the field the authority? We thought that is what we did in the salvage bill, and this is our objection to the memorandum of agreement—is that all the authority that we thought we had delegated to the people in the field has now been pulled back into Washington with an iron grip based on what we are reading on the surface of the MOA.

Mr. REYNOLDS. That isn't the way our regional foresters have their outputs. We ask them what they can produce both in salvage and in green, as well as all the other resource areas. When we get the budget marks from OMB, we put our budget together. It goes forward in the President's budget. We come up and testify and work for that.

When the budget is passed, when we finally get the budget, we send it back down to the regions with their agreement on what their outputs are. We have pushed very hard this year, believe me, to clean up and simplify and to move forward aggressively not just with the salvage program, but with our green program, and with management in range, and in minerals, and in recreation in a broad range.

And yet that list of lawsuits that you just saw is also the results of being aggressive and pushing, and that is something we have learned to accept. But it does create frustration when you are sitting there at the ground and you feel people are just pushing you around.

Mr. LONGLEY. Well, this is the frustration, again, that Congress is the one that has been charged with resolving the policy, you know. And apparently there are some, again, who don't want to accept the policy, but that is another issue. But I would like to get, you know, the other three on the panel.

Mr. JACKSON. Mr. Longley, if I could give you a little different perspective, maybe from one of the regulatory agencies here. I think we have had some great successes implementing this bill. For

example, via the MOA, we established interagency teams on virtually every forest and BLM district in Idaho, Oregon, Washington, and northern California.

As a result of that, and primarily because of the early involvement that the interagency teams have in the planning process, we have taken the Section 7 consultation process from a timeframe that, quite frankly, often exceeded our legal authority which is 135 days. For example, we have brought that down to an average of 24 days in Idaho. It is approximately 22 days for informal consultations in Oregon and Washington.

Mr. LONGLEY. I am sorry. Twenty-two days from what?

Mr. JACKSON. Twenty-two days from the time the Fish and Wildlife Service, for example, has received the biological evaluation or biological assessment to complete the formal process under the Endangered Species Act. So we have made a commitment amongst ourselves to expedite that process and have established a target of 30 days or informal consultations and 60 days for formal consultations.

Even in the first month when we are establishing the teams and going through the early periods of forming the teams and looking at the projects, we have, I think, made some great strides here. The formal consultation process, for example, in Oregon and Washington is only 28 days, and this is on all projects. I think we have similar results in California.

As a result of this success, we are implementing the same approach nationwide. And the key here is early involvement with the land management agencies and the regulatory agencies in the planning process to avoid problems up front so that there are no surprises when you come out the other end of the process in the biological opinion.

Mr. LONGLEY. And I respect what you are saying I think, but one of the issues we are confronting there was similar testimony at the hearing by one of the forest planners who was very complimentary of the fact that I think it was the National Marine Fisheries, the office in Portland I think had gone from three people to 20 people so that they could expedite the process.

And from our standpoint, you know, I interrupted him to say, you know, how many people can we afford to have involved in this process, and what kind of time and expense is being consumed and energy is being consumed by all of these interagency—and, again, I understand an interagency task force is a success in the sense that you are dealing with the statute and with the process.

But my measurement is whether it is effectively producing the results that were intended. And I guess that is really the bottom-line question that we have got here. And I know there are one or two others, and I don't want to monopolize the time any further. Sir?

Mr. SANDERSON. From the Environmental Protection Agency's perspective, it has been delegated to our regional folks, and then their State offices in Oregon or Washington or Idaho. The only time that we have any headquarters oversight is if, in fact, there is going to be an unsatisfactory decision where, in fact, it would slow it down. Then it would have to come back into us, and we would try to fix it immediately. But it is in their hands, and it will be

in their hands to work with the local forester to resolve the decision.

Mr. LONGLEY. And, Dr. Bellmer?

Dr. BELLMER. I would like to echo what I said earlier in the fact that I think the process is working, and I think we need a little more time to look at it. I think from our perspective, we have accelerated, and you mentioned the growth in our field office there. And that is necessary growth to deal with the increased workload.

When you think of the number of actions we have to process and the complexity of some of these actions and the timeliness as far as results, I think that is what should be echoed here—is the fact that the results are a decrease in processing time. And even more important is the effectiveness in that these projects are going forward in a timely fashion while still protecting the species.

I would just like to mention one other thing. This process has been delegated down to the lowest level in the decisionmaking process. The field biologists from the agencies are working as a team on site with activity to determine the best course of action and to accelerate that action. They are making the decisions right there. The decisions are elevated as disagreements. They are elevated very slowly so they are worked out at the lowest level, and the fix is in place and implemented.

Another thing is if there is disagreement in the elevation process, there is no veto power by the resource agencies. The process is they are elevated as necessary, and then there is a binding agreement at the elevated level.

OK. Another thing that I wanted to point out is we are not a regulatory agency. We are a consulting agency. The Endangered Species Act is the responsibility of the Federal Actions Agency.

Mr. LONGLEY. Let me just say this, and I want to end on this note. I want to, again, thank the Chairman for his indulgence. But I held up this picture earlier, and I would just say that I want you to know what I am in the process of doing. I have asked the person that took this picture to give me an Affidavit, when and where was it taken, by whom. I asked him to go back after the hearing, take another picture of the same site to see if, in fact, these logs are still there.

It is my intention to ask the staff to get into the specifics of exactly why these 10 or 20 logs are sitting there and right down to who initially cut them, under what permit authority; why weren't they carried off. I want to follow the regulatory process from the vantage point of these logs. And I would like to ask all of you your cooperation to the extent your agencies have any involvement.

Mr. GAEDE. Mr. Longley, if you will submit that information to us, we will be happy to get a response back to you on it.

Mr. LONGLEY. That would be great. Thank you very much for your patience. Thank you, Mr. Chairman.

Mr. COOLEY. Thank you for your excellent questions, Congressman Longley. You know, Mr. Reynolds, you kind of beg for a question here, and I have to ask you something that probably is so obvious. But you talk about the condition of the forests now.

Can you tell me why the U.S. Forest allowed the forests to get into the condition they are in now since you have been managing the forest since how long? 1800? What have we done that has so

deteriorated our ability in our forests by the U.S. Forest Service? You haven't cut down in your numbers. You have more money now than you ever had before. You have more biologists and biologists of every type and shape, and yet our forests continue to deteriorate.

Now, why isn't the agency being held responsible for the deterioration of our forests since your charter is to manage these forests, and it is not happening? So is it a problem of Congress? Is it a problem of the agency? Where does the problem lie because you keep talking about how bad the forest is today? It wasn't this bad 30 years ago so what has happened?

Mr. REYNOLDS. Well, I don't know whether I can agree that it wasn't this bad 10 years ago.

Mr. COOLEY. No. I said 30 years ago.

Mr. REYNOLDS. If you look at forests, and they go on long-term trends, I think two things that we recognize today that we didn't recognize early, and one was the effect of fire and our ability—and it wasn't just our ability that developed by ourselves but with local communities beginning with the passage of the Organic Act to provide a favorable condition of flow and provide wood supply, to deal very strongly with suppression of fire.

I think that was what happened in the United States. It wasn't just the Forest Service, but we became experts at controlling fire. And we are beginning to find out some of the benefits or some of the serious problems we developed in that area. We have changed the ecosystems.

I think though when you look at the acres of national forest and the production today overall, we are producing more volume today on the national forests than we ever have. Some of those forests are in terrible condition. We issued a report on October 31, 1994, called the Western Forest Health Initiative. We brought together the best science we had. We relooked at our situation. We plan on coming to Congress in November and giving them an update.

We really understand this issue, and it isn't just salvage. It goes into a whole range of cultural treatments, management, a question about the tradeoffs between various resource uses. So it is a complex question, and I don't have data today to answer the question about the exact condition.

Mr. COOLEY. How long have you been with the Forest Service, Mr. Reynolds?

Mr. REYNOLDS. Thirty-four years and I was raised in the Forest Service so I am second generation. I have never been anywhere else. I do believe that that are more people using the national forests. There are over 880 million visitor days used on the national forests. We are getting tremendous uses for lots of different people.

The complexity when you start bringing mining development in some of these communities. It is a big challenge to try to satisfy the legal requirements we have, the responsibilities that the Federal Government has working with the States and counties.

And I guess just to summarize, I believe the complexity of our resources is driven by the complexity of the ecosystem which we still don't fully understand by a long way and by the tremendous complexity of our social system we have today, and the demands of people to get out and enjoy their national forests.

Mr. COOLEY. When we passed Public Law 104-19, it was signed by the President. Didn't you look at this as an abbreviated process in order to get out timber salvage? And wouldn't you say that the MOA squarely contradicts that abbreviated process that we put in?

Mr. REYNOLDS. We saw this piece of legislation as a way to streamline and move the salvage program forward.

Mr. COOLEY. Did you think it was an abbreviated process?

Mr. REYNOLDS. Yes. I believe it is abbreviated, and I believe the memorandum of agreement abbreviates the process. And we made a commitment to produce 4.5 billion board feet by the end of 1996, and we are committed to do that.

Mr. COOLEY. OK. Mr. Gaede, you are a policymaker. Correct?

Mr. GAEDE. Yes, sir.

Mr. COOLEY. You are a policymaker. Could I get your statement or just a feeling on this? Would you give the field personnel discretion to deviate from the standards and guidelines according to Public Law 104-19 if it made environmental sense to do so?

Mr. GAEDE. I think the policy that we are following is laid out in the MOA, and that is to achieve to the maximum extent feasible salvage timber sale volume above the program level in accordance with Public Law 104-19 within a framework of maintaining forest health and ecosystem management. And anything that it takes to achieve that goal, we would certainly give them the full discretion to use.

Mr. COOLEY. To follow up on a question that Mrs. Chenoweth asked you, and I don't think you answered—I am going to try one more time—is that in your agency who advised the President on how to carry out the MOAs? Because the President directed the agencies to assemble the MOAs. He directed the agencies.

Mr. GAEDE. That is correct.

Mr. COOLEY. OK. If this was the case, who advised the President to prescribe the MOAs? Someone had to advise the President. Now, do you know who advised the President?

Mr. GAEDE. Mr. Cooley, the only thing I have personal knowledge of is what I saw in terms of direction from the President. We saw the direction from the President, and we implemented it according to his dictates.

Mr. COOLEY. So you have no knowledge of any information given to the President concerning MOAs?

Mr. GAEDE. No, I do not.

Mr. COOLEY. Did you have knowledge before you saw the MOAs of the President's letter to Newt Gingrich?

Mr. GAEDE. I was aware of Secretary Glickman's letter to the Speaker. I was not aware of the President's letter at the time it was sent.

Mr. COOLEY. So that was not widely distributed by the agencies?

Mr. GAEDE. I saw it after the fact.

Mr. COOLEY. At what time did you see it? After the MOAs?

Mr. GAEDE. I can't give a precise date.

Mr. COOLEY. Before the MOAs?

Mr. GAEDE. I believe it was probably simultaneous with the development of the MOAs. Of course, the letter that we saw was his direction to us to develop the MOA, and it was sometime after that that I saw his letter to the Speaker.

Mr. COOLEY. So first you received the letter from the Executive Branch to draw up the MOAs?

Mr. GAEDE. Correct.

Mr. COOLEY. And then you drew up the MOA, and it was signed. And then after that, you saw the letter from the President to the Speaker?

Mr. GAEDE. Again, I was operating in accordance with the direction we had received from the President and with the knowledge of the letter which Secretary Glickman sent to the Speaker. And it was sometime after we received the direction from the President to develop the MOA and the final signing of it, and I am just roughly relying on memory, that I was aware of the letter from the President to the Speaker.

Mr. COOLEY. So would you say before the MOAs were signed you saw the President's letter or after it was already signed?

Mr. GAEDE. I really can't recall. It was sometime around that time period, that timeframe. Whether it was precisely before or after the date it was signed, I can't tell you. I know though that, again, we were operating based on the direction received from the President and the knowledge of the material contained in the letter from the Secretary to the Speaker. And those two documents are what drove our involvement in the decisions.

Mr. COOLEY. After you saw the President's letter sometime in that sequence when you were either finished the MOAs or they had been signed, didn't you think there was quite a contrast there? As a policymaker, if I was sitting in your shoes, and I would have looked at the President's letter and I will look at the MOAs, I would say, "Uh-oh. Somewhere along the way somebody is misinterpreting. They don't gel." That is all I am saying.

Mr. GAEDE. I recall being surprised that the President also had sent a letter to the Speaker because we were working with the Secretary's staff working hard. And my understanding was that the request was that the Secretary send a letter to the Speaker. And we were focused almost exclusively on that.

Mr. COOLEY. I understand that. I am not trying to put you on the spot or anything. See, we find it on this side of this desk here really confusing. It really is, when we think of the Chief Executive Officer and the way we interpret the letter, and then we look at the MOAs and the way we interpret the MOAs. And we can sit here and discuss that, and that is not the issue here.

We think there is absolutely a contradiction here, and our whole intent in Public Law 104-19 was to abbreviate the process, put some guidelines and time sequence in the process. Now, we hear from you that you are doing that, but the MOAs really did not abbreviate the process. They just accelerated the time and the processes.

As far as we can see it, it is exactly as it was before Public Law 104-19 was ever implemented or signed by the President. All you did was accelerate it by putting the people all together in one room, but all of those processes are still in place. And that wasn't really the intent of the law. Now, if it is working, that is fine, but how can almost 100 percent of the total forest industry feel that you are not complying and nothing is happening? You know, that is what we are trying to resolve here. We want the process to work.

Mr. GAEDE. Well, and I would like to work with you to resolve that as well.

Mr. COOLEY. And as Congressman Longley said before he left, we want it to work.

Mr. GAEDE. We want it to work as well.

Mr. COOLEY. What can we do to tinker with this to make it work?

Mr. GAEDE. We want to make it work as well, and we feel it is working. And, again, I would just offer that. If I see numbers that show that we are exceeding what we had projected and you are hearing just the opposite, we need to get down to the bottom of that. I don't have an answer for you, but I am certainly willing to work with you to see what that problem is.

Mr. COOLEY. OK. You were talking about your volumes that you are talking about. When we first put this bill together, and good or bad, I was involved very heavily in this process. We looked at about 6 billion board feet. That was our suggested target. In fact, actually if you want to know the truth, the Commissioner, Jack Ward Thomas, came in and told us that there was 21 billion board feet, and that he could probably harvest 6 billion board feet in a certain period of time. Through consultation and meetings with the Senate and that process, we dropped it down, and so now we are looking at approximately 4.5 billion board feet. Where did that commitment come from? I am just curious. In the policy process, where did the 4.5 billion board feet come from?

Mr. GAEDE. It came from the agency. We got the number from the agency, and I will let Gray explain.

Mr. REYNOLDS. Yes. I wasn't personally involved, but I know the Chief was. When the original bill was vetoed, and sent back, we were asked about the change in time. When the original estimate went forward, the original bill, as I remember, was to run through fiscal year 1996 which would have been September 1997. That date was changed to December 31, 1996.

Therefore, there were three quarters taken out of the fiscal year so, as I remember, the reduction was to this 4.5 billion board foot level. And that doesn't mean on our part that on that day we stopped cutting salvage. That particular bill will expire, but we are fully committed to continue.

Mr. COOLEY. Now, when we looked at and previously quoted to you by the counsel readjusting the figures according to your figures, we should be up to about 6 billion board feet.

Mr. REYNOLDS. Six billion at the end of 1996?

Mr. COOLEY. 1997.

Mr. REYNOLDS. Oh, yes.

Mr. COOLEY. The first quarter of 1997.

Mr. REYNOLDS. Well, no. That is the end of 1996. The discussion I had was the reason that it went from 6 to 4.5 was because of the three quarters of fiscal year 1997 that were changed in the bill that was signed. In other words, the time was backed up from September 30, 1997, to December 31, 1996. And that is that difference in volume, as I remember.

Mr. COOLEY. OK. I would suggest you pull report number 104-124 and look on page 135, about the second paragraph down the middle of it. Anyway, I think these are details that we need to

work out. As I said before, our problem, of course, is that the people on the field—our constituents, the people we serve—really basically feel the Forest Service basically is not complying with the law.

And the intent was to streamline and abbreviate the process to allow the acceleration. We feel that the MOAs actually kept the same thing in place except to cut the time down because you are all in one room now apparently or let us say in theory anyway and get the process through. Let us hope that we can continue on and get some of this thing settled.

There is something in here that I would like to ask you one other thing too. I think this is more of an environmental statement but I am going to refer to is that you referred in sharing Congress's conviction to harvest salvage trees in your testimony. I would like to know when you think it is appropriate before it deteriorates to harvest timber without going through what we are going through now?

Mr. GAEDE. Certainly. I think it is perfectly appropriate to harvest it before it deteriorates. In fact, that is one of the goals of salvaging timber.

Mr. COOLEY. OK. And another thing is we have specific examples of discussions that are ongoing with the industry about salvage. Can you tell me what is happening there? You say you are discussing salvaging with the industry. Is this just a statement, or are you really actually at the Forest Service level calling in the industry and discussing salvaging?

Mr. REYNOLDS. Well, to my knowledge, we are working with the industry at the forest level, both as it relates to the program that we are offering and we are selling and on adjustments that may be necessary.

The question about helicopter logging—as you know, Mr. Chairman, we have gone back with a number of sales that were offered; were not purchased because of high costs in helicopter and gone back as quickly as we could and readjusted them; offered them again, and I think most of them have been resold. I don't think there are many that haven't sold. Now, there have been manipulations and changes in volume as well as harvesting. But we are trying to be very straight up and get as much volume as we can moved.

Mr. COOLEY. Mrs. Chenoweth.

Mrs. CHENOWETH. Mr. Gaede, you were talking about the success with the 1.7 billion board feet for the 1995 program. But before the rescission bill, the Forest Service was already claiming that they would exceed the programmed amount for 1995 because of the southern pine beetle and the fires and their Western Forest Health Initiative. 1.7 billion board feet would have been done regardless of the salvage bill. Isn't that correct?

Mr. GAEDE. We would have done whatever our capacity or capability would have been. I don't recall that they had testified that they were going to do 1.7 billion board feet or else we wouldn't have projected 1.5 billion board feet. That is the best of my knowledge.

Mrs. CHENOWETH. OK. Mr. Reynolds, where in the salvage bill or the Forest Management Planning Act does it talk about management for the ecosystem?

Mr. REYNOLDS. I don't think anyplace in it talks about that. It talks about meeting the amenities and providing for implementation of existing environmental laws. The direction that the President gave us was to streamline the process. We are meeting our standards and guidelines in our forest plans and streamlining the process and moving the volume. I believe that we are going to find out—we have enough lawsuits—whether we are doing it legally or not.

Mrs. CHENOWETH. You know, in your last comment, you talked about having to meet the responsibilities of managing the ecosystem and meeting the responsibilities of social and cultural demands. I just say that this is what hurts our heart. This is what we are seeing out there, and we are becoming as angry today at what we are seeing out there as were people in the '60's about clear-cutting.

You know, we are just so frustrated, and we hear about processes and people meeting together and talking together and ecosystems and so forth. And I look forward to the day when you can come before this committee and talk about cruising timber and volumes and showing me pictures of where we have a sustainable healthy forest again.

I think our frustration with the committee is we don't see the same vision and a vision that is quantifiable that we can get our hands around. And I do want to also suggest for the record that we had a better fishery in Idaho when we had more logging; not that you can equate the two, but I don't think that we can blame the decline of the salmon fishery on logging by the same token.

And I want to thank you gentlemen for being here. We are leaning pretty hard on you because as the Chairman said, we were pretty upset with the memorandum of understanding and what we saw as a direct conflict with what the Congress had laid out. So I do appreciate your being here. Of course, I know you needed to be; you had to be. But I look forward to the day when our visions are the same. I hope that can happen.

Mr. GAEDE. Thank you very much, Mrs. Chenoweth.

Mrs. CHENOWETH. Mr. Bellmer, I wanted to ask you for the record has the National Marine Fisheries Service ever imposed or threatened any of the Forest Service personnel with fines for the decisions that they may make on the forest in the process that the National Marine Fisheries Service may not agree with under the ESA?

Dr. BELLMER. Not to my knowledge. As I said before, we are a consulting agency. The responsibility of the ESA calls rests with the Federal agencies proposing the action; in this case, the Forest Service.

Mrs. CHENOWETH. Is there a mechanism anywhere where one agency can sue an employee of the Forest Service? Is there a mechanism anywhere?

Dr. BELLMER. Not that I am aware of.

Mrs. CHENOWETH. OK. I just wondered because our Forest Service personnel in Idaho were saying that they had to operate under

a certain criteria set forth by NMFS or else NMFS would personally sue them \$250,000.

Dr. BELLMER. I am sorry. I am not aware of any provisions.

[The following answer of Dr. Bellmer was supplied after the hearing:]

We do not know of any case where an NMFS employee has made such a statement.

Under the general theory of a unitary executive branch of government, the Federal Government will not initiate a lawsuit against a particular Federal agency or individual acting in his or her official capacity for a Federal agency. A lawsuit may be initiated against a government official who is violating the law, and thus acting beyond the scope of his or her official duties. In any event, such a lawsuit would be initiated by the Department of Justice, and could not be undertaken by an NMFS official.

Mrs. CHENOWETH. OK. And then finally, I would like to say that the case that I was referring to in my questions of you earlier was a case involving a Mr. Yantis. And in spite of the fact that you say you are bringing the decisionmaking process closer to the situations, this man came all the way from Portland, which is many hundreds of miles, and the district out of Boise would not travel 100 miles.

And they sent someone over who simply didn't even know the case. So, you know, I know you are not aware of that, but that kind of thing is what we are having to deal with in the field. So I appreciate you looking into it and getting back to me.

Dr. BELLMER. Yes, we will look into it and get back to you.

Mrs. CHENOWETH. Thank you. Mr. Chairman, I would also ask that if it is all right with Representative Welsh if we could add this to make this a part of the record, as well as the oil that is filled with metal shavings?

Mr. COOLEY. I don't see objections.

Mrs. CHENOWETH. Thank you.

[The bag of metal shavings can be found in the committee files.]

Mr. COOLEY. Thank you, Mrs. Chenoweth, and everybody for participating in the panel. As you know, we have got a vote, and we have got to run. So I won't make it long and lengthy. I thank you very much for this. I think you have helped us a great deal; gives us a lot of information to look at and to make further decisions if we need to do anything or not. Thank you for your indulgence and the time spent here, and this meeting on the Task Force on Timber Salvage and Forest Health is concluded. Thank you, gentlemen and ladies.

[Whereupon, at 5:35 p.m., the task force was adjourned, and additional material submitted can be found at the end of the hearings.]



SALVAGE TIMBER AND FOREST HEALTH

SATURDAY, NOVEMBER 4, 1995

HOUSE OF REPRESENTATIVES, TASK FORCE ON SALVAGE
TIMBER AND FOREST HEALTH, COMMITTEE ON RE-
SOURCES,

Medford, Oregon

The committee met, pursuant to notice, at 9:05 a.m. in the Convention Room, Holiday Inn, 2300 Crater Lake Highway, Medford, Oregon, Hon. Wes Cooley [chairman of the task force] presiding.

STATEMENT OF HON. WES COOLEY, A U.S. REPRESENTATIVE FROM OREGON AND CHAIRMAN, TASK FORCE ON SALVAGE TIMBER AND FOREST HEALTH

Mr. COOLEY. May I have your attention, please? Would everybody please come in and have a seat? We need to get underway. We have a lot of testimony coming up and only about four hours to get it in. We would like to have everybody settle down if we could.

The first thing I want to do is welcome everybody here today. I want to tell you one thing, and I will make this very clear from the very beginning. This is an emotional issue. We all know that. We want everybody to respect everybody. In order to make this thing work, we have to have respect for each other.

I will not have any booing or screaming or hollering or any outbursts. We are all adults here, and we want to treat each other with respect. I want to tell you that ahead of time.

We have had some meetings in the past where we have had some people removed. I am not hesitant about that. Please have courtesy for each other and respect each other's diversity of opinion. We want to get these hearings started with respect for one another. I really do appreciate that.

I also want to tell all the witnesses that you will be sworn in. Remember that this oath is the same as if you tell a fib to Congress. You will be in contempt. I will tell you that ahead of time.

I call the hearing to order. I ask unanimous consent that Mr. Herger be allowed to participate in today's hearings as if he were a task force member. I hear no objections. So ordered.

This is the fourth task force hearing on timber salvage. We are studying the implementation of a new timber salvage law, Public Law 104-19. We will report back to the full Committee on Resources on our findings. There will be five total hearings. The next one will be in North Carolina, and then we will summarize our findings.

The task force has come to Medford because our forests are sick, and they are not being managed properly. As a result, they are dying. Over 18 billion board feet of dead and dying timber lies rotting in the national forests throughout the west. In the Oregon and Washington regions of the Forest Service alone, almost 2.6 billion board feet of good timber is dead or dying.

In dollar terms, it is at least \$500 million of Federal assets rotting away. In human terms there are fewer high paying jobs, and more unemployed timber workers. It is a house payment. It is dinner. It is college tuition for their children.

This year the Forest Service plans to sell just under 400 million board feet of dead timber in Region 6. I want to know about the other 2.2 billion board feet. Will it rot?

I think we have a good hearing plan. We have tried to be fair, inviting all people from all viewpoints to participate today. We have county commissioners, timber workers, grassroots organizers, State foresters and scientists, timber users and the Forest Service.

We invited environmentalists and gave them flexibility to recommend witnesses which they might choose themselves. Unfortunately, we can not control who accepts our invitation to testify, and we hope we do not have to subpoena anybody in the future.

Contrary to what you have read, we did try to work with the environmental community on this hearing. We want their perspective, and we want them at our witness table. We reserved at least four slots, one entire panel, for environmental witnesses.

For our first two field hearings, the Western Ancient Forest Campaign suggested witnesses. Almost all of those witnesses were invited to testify for this hearing. The Ancient Forest group declined to recommend witnesses. I ask unanimous consent to include a letter sent to the group in the hearing records.

Regrettably, witnesses from the environmental community either chose not to participate, or they did not let our committee know whether they would show up today.

Understandably, some of our task force do not agree with the environmental perspective. We can ask some tough questions, but we will listen to all witnesses, and we will take into consideration their concerns as well.

We have come away from our two field hearings realizing that the field foresters want and need more direction to implement the Salvage Bill, Public Law 104-19. They want to comply with the intent of Congress, but the Clinton administration, as we know from our previous hearings, apparently is not letting them.

Our Governor realizes a flexibility in the field is needed. The report prepared for him in June concluded the maze of Federal environmental laws is a real problem when it comes to salvage needs.

Even though the Clinton administration was presented a copy of the report, the President has not moved swiftly. The administration seems to be confused in their actions and their direction. As they fail to act, timber continues to rot and burn on public lands in Oregon and throughout the West.

The law gives discretion to the Federal land managers to expedite the environmental review process; not eliminate it, but expedite it. The Clinton administration still keeps the most cumbersome procedures and requirements in place. While some call our

new emergency Salvage Bill logging without laws, I say it is logging without lawsuits. It is about time we had some of these things come around here.

With that, I would yield to the ranking minority member, who is not here, for an opening statement because the Democrats decided that they did not want to participate.

I want to also say on the record just so everybody understands that Congressman DeFazio did send us a letter. He had some previous commitments since he is running for another office. He was not able to make it. Otherwise I think the Congressman would have been here today.

They did not select any task force members, so we invited all Democrats on the Resource Committee to attend all task force hearings. None of them showed up. I am very disappointed with this. I think that we need to have input in this process. Hopefully they will see that they need to come to these meetings as well.

I yield to Ms. Chenoweth for her opening statement.

STATEMENT OF HON. HELEN CHENOWETH, A U.S. REPRESENTATIVE FROM IDAHO

Ms. CHENOWETH. Thank you, Mr. Chairman.

Mr. Herger, ladies and gentlemen, it is a joy to be here with you and certainly with Chairman Cooley on this task force hearing. Being from the sister State of Idaho, I have basically the same type of industry related problems that you have over here.

Being a graduate of the Grants Pass High School and having grown up on a dairy farm on the banks of the Rogue River, I do want to let you know that coming back to Medford is almost like coming home. We used to have some royal football games with Medford, and it was wonderful to be able to beat Medford, but we did not always get to. It is good to be back here.

I do want to say that when the Chairman said that some people are saying that this is logging without laws, and I saw this statement on television last night, I was absolutely amazed because some people seem to forget who passes the laws and who creates the laws. It is the United States Congress.

There is a total, full, open hearing process just like we are having today before laws are finally enacted. After the laws are enacted and signed into law by the President is no time to back down on the law.

Our forests are in a major emergency situation today because we have 35 billion board feet of standing timber that is dead, dying or burned. We must be able to pull that salvage timber out of the forest and begin to return to a healthy, sustainable forest and healthy, sustainable community.

I feel very deeply about this, and I appreciate Chairman Cooley for bringing this task force to Medford. I get a chance to come back home. Thank you.

Mr. COOLEY. Thank you, Congressman Chenoweth.

Mr. Herger.

**STATEMENT OF HON. WALLY HERGER, A U.S.
REPRESENTATIVE FROM CALIFORNIA**

Mr. HERGER. Chairman Cooley and Representative Chenoweth, it is really indeed a pleasure to be able to be here, and I do appreciate your allowing me to sit on your panel even though I do not sit on the committee.

I do represent the district directly to the south of you in California. I have all of or parts of eight national forests within the district that I represent. It runs down almost as far as Lake Tahoe and to Marysville. I share the same concerns that you have here in Oregon and certainly in this district here in the southern part of Oregon.

What is the problem that we have? Let me just relate what it is in the area that I represent. It is a major problem. It is a problem that threatens to destroy our entire forest. It is a problem that while this year we have seen ample rainfall at least in our area of California, seven of the previous nine years were drought years.

In 1994, 525,000 acres of forest burned in California. That is 525,000 acres where spotted owls no longer have a habitat, where not any of our wildlife have a habitat, and yet we see a policy that has been going forward with the Forest Service and with the Federal Government that does not even allow us to go in and remove dead and dying trees, the source of these wildfires.

It is interesting to note that earlier this year just in my area in District 5 in California, and District 5 is all of California, the Forest Service estimated that there was a total of 3.4 billion board feet of dead and dying trees just in our area, and yet their original estimate of how much they thought they could remove was only 343 million, one-tenth of the amount of dead and dying trees.

We are not talking about live trees. We are not talking about green trees. We are talking about trees that primarily because of drought and because of insect infestations, we are in a situation where we cannot even remove these trees which in turn the insects go out and destroy normal, healthy trees. This has to change.

Chairman Cooley, I want to thank you for your leadership in the House of Representatives, for your leadership in helping to move forward, working with a number of us but yet the great leadership that you have on allowing us to have an emergency Salvage Bill which is only good for 18 months.

Let me emphasize that. This is a temporary emergency bill that allows us during this time of crisis to go in and not ignore environmental laws, but allowing us to expedite the science that we already know to prevent and save our forests. That is really all we are doing.

In this hearing today, the third field hearing that we have had, and I thank you for holding one of those in my area of Redding here just a couple weeks ago, we will be going over and finding out why it is we are unable to go out and again remove these dead and dying trees.

Again I thank you, Mr. Chairman, and I look forward to the hearing. I would just like to close on this last note. It is a point that you brought up. Why is it that the environmental community has boycotted us? Why is it that the Democrats have boycotted us? Do they have something to hide?

We have invited them. We want to hear their side. We have urged them to come to be able to hear their side, and yet they have boycotted us. I think that in itself tells us something, and I think that it is time that we begin conducting forest practices according to what real science shows us and what is best for our forest and not according to a political agenda, which I believe has driven our forest policy in the past years.

Again I thank you, and I thank you, Representative Chenoweth, for your being here as well.

Mr. COOLEY. Thank you, Congressman Herger.

I want to explain to the panel and to the public as well. The light you see on the table is a five-minute light. You have four minutes on the green light, one minute on the yellow, and when the red light comes on we would appreciate it if you would stop your presentation so we can move this process through.

We would like to call the first panel up now, Pat Wortman, Sue Kupillas and Doug Robertson. All are county commissioners from Enterprise, Medford and Roseburg, respectively.

Would you please rise and raise your right hand?

Mr. COOLEY. Mr. Wortman.

STATEMENT OF PAT WORTMAN, WALLOWA COUNTY COMMISSIONER

Mr. WORTMAN. Good morning. I am Pat Wortman, Wallowa County Commissioner. I want to especially thank Congressman Wes Cooley for providing the opportunity to be here today to talk with you about the ability of the Forest Service to manage timber salvage and forest health in general.

In eastern Oregon, we truly appreciate the common sense approach you people have taken in regard to the logical use of natural resources. I would like to share with you what happens with forest health is allowed to degenerate from lack of management.

Please refer to the colored copies of the dead and dying timber shown at the front of your packets. These pictures were taken near Starkey in the Wallowa-Whitman National Forest. Unfortunately, they could have been taken at numerous points throughout the Wallowa-Whitman.

This is not a natural part of the life cycle of a forest, at least not a forest we need to depend on for forest products and sustainable amenities. The immensity of the forest health problem in northeastern Oregon is not describable with words or pictures.

There are many experts here today that can provide information about the economical degradation caused by this forest health problem. However, as an elected official in Wallowa County, I would sadly like to share with you what it is like to be number one in your State; number one in unemployment. This is what happens when you have three sawmills close in less than one and one-half years.

It is my task to describe to you the economic and social devastation that rural areas suffer when the basic industries such as the timber industry are destroyed due to governmental programs being paralyzed by overzealous preservationist efforts like appeals, lawsuits and other lobbying.

Unemployment is perhaps the most visible outfall of governmental gridlock. Wallowa County had the unfortunate record of having the highest unemployment rate in Oregon for five consecutive months this last winter. At the worst point, the unemployment rate was nearly 16 percent. Only last month, September, our county ranked second highest in the State, and we anticipate that we will be higher this month and probably for many months to come.

While the unemployment rates have dropped, the sad reason for this reduction is the fact that many workers have outmigrated to other areas in the State and the Pacific Northwest in order to find work.

A side effect from this astronomical unemployment rate is the insidious increase in social problems like domestic violence, drug and alcohol related incidents and theft. These types of problems strain our rural county's limited budget as we attempt to deal with the realities of this situation.

The erosion of the tax base due to the closure of three sawmills has also added to the problems with which rural counties are faced. Many do not realize the amount of taxes sawmills and other industrial facilities pay. For instance, when one sawmill in Joseph was dismantled, our county was forced to try to make do with \$186,000 less in taxes. The tax base is also eroded when unemployed mill workers leave the area and are forced to sell their homes at reduced prices.

The basic business structure of our county has been terribly hurt by this governmental gridlock. For instance, the one grocery store in Joseph has reported about a 20 percent downturn in revenues by the losses of three sawmills in our county.

While this may not sound like such a problem from an urban standpoint, the fact is it forced the layoff of four grocery store workers and added to our economic downturn. Without the sawmills, this store is now the fourth largest employer in Joseph. It also impacts the variety of products a small grocery store can offer and thus negatively impacts the selling power of that store.

Until recently, well over half of the funding for our road department came from the distribution of timber receipts. However, those receipts have been decreased 76 percent just in the past two years due to the cessation of logging. The road department cannot operate on the remaining revenue and will cease to provide service to the roads that access public lands in Wallowa County.

In Wallowa County, we are charged with the maintenance of approximately 700 miles of road. Almost all Forest Service roads connect to county roads. How will the public access public lands without county road maintenance?

The ten year average of timber receipts to the road department was about \$1.6 million. These dollars, so critical to the adequate county road system, have been reduced to a trickle.

Traditionally, the timber receipt dollars have comprised 70 percent of our total road budget. In 1995, Wallowa County's share of the timber receipts will be approximately \$89,000. This constitutes less than one percent of the historic number.

We also see a reduction of seven percent in our payment in lieu of taxes. This will cause a reduction of services in the public lands fund.

Even through the decline of Forest Service commodity outputs, Wallowa County has remained proactive and committed to finding a solution to the economic instability caused by this decline. Through volunteer efforts, the county has produced the Wallowa County-Nez Perce Tribe Salmon Habitat Recovery Plan that proclaims ridge top to ridge top ecosystem management. We have been instrumental in performing watershed analysis and recovery projects in coordination with Union and Wallowa County on over three million acres.

In closure, please refer to the attachment to this testimony that I have furnished to you.

I would like to say that constructive solutions are available. The Wallowa County-Nez Perce Tribe Salmon Habitat Recovery Plan will benefit the people, the environment, the natural resources. Our people have suffered enough. Help us lead the way to benefit us, our children and our grandchildren.

Again, thank you for this opportunity.

[The prepared statement of Mr. Wortman can be found at the end of the hearing.]

Mr. COOLEY. Thank you.

Sue Kupillas.

STATEMENT OF SUE KUPILLAS, JACKSON COUNTY COMMISSIONER

Ms. KUPILLAS. It is interesting. My testimony is going to sound very similar. As a county commissioner, we are experiencing the same things.

Good morning. I am Sue Kupillas, and I serve as one of three county commissioners here in Jackson County. I speak for the entire board, for Commissioner Rick Holt and Commissioner Jack Walker also. We extend you our thanks for conducting this important hearing in Jackson County. Welcome.

I would like to thank the chairman and the members of the committee for the opportunity to present our deep concerns over the salvage issue in our country and in the northwest.

Federal forests play a major role in our lives. Together, BLM and Forest Service lands cover over 49 percent of the county's land area. We know that in our county and in eastern Oregon we have had seven years of drought. Timber mortality has been substantial. We have a dangerous accumulation of fuel overloading and dead and dying trees due to decades of complete wildfire suppression under the old policies. Combined with the drought, this has created severe, unnatural conditions.

The timber salvage provision under discussion here today provides a small measure of relief, but it also has problems. The Jackson County Board of Commissioners appointed the Natural Resource Advisory Committee, a group of informed citizen volunteers, to advise them on important natural resource issues.

The committee was asked by the Board of Commissioners to determine how well the Federal land management agencies were doing in southwestern Oregon in meeting their stated goals. The hope was to lay out a chart to compare the President's plan goals and the salvage goals in the original management plan. We also wanted to include the required volume as dictated by the O&C Act.

I have included an incomplete chart, which was assembled with great difficulty. The forests have met their targets in 1995, although the targets are very much reduced. I am not going to go into that chart because of time restrictions. I would answer questions, though.

[The chart may be found at end of hearing with statement.]

Ms. KUPILLAS. Members of the Forestry Subcommittee of the Natural Resource Advisory Committee were assigned forests to begin research on what was happening. We encountered problems with gathering information. We find a disconnect between the Federal and local levels in the agencies in the numbers they are using for the volume of timber produced.

There is also a disconnect between Congress and the administration in the interpretation of the Salvage Bill. Therefore, there are discrepancies in targets. How much of the work already in the pipeline should be included in the new salvage targets? We do not know.

The second chart shows different and confusing numbers. This was the best numbers that the Medford Tribune could come up with from the agencies.

[The chart may be found at end of hearing with statement.]

Two other serious concerns about the Salvage Bill are staffing and funding. If budgets do not have dollars allocated to implement and staffing remains inadequate, we know for certain that the salvage targets will not be met. We have no penalty for non-compliance.

We have grave concerns whether the two year target of 4.5 billion board feet can be met or if we can tell if it is met. Salvage is not a long term forest management strategy. The long term solution is to develop an economic way to do density management and extra small diameter trees to improve forest health and minimize future salvage. Right now it is cost prohibitive.

In addition to our other concerns, we have a concern that the agencies select cost effective methods for treating unhealthy stands of timber. If there is an unusually high requirement that all sales be logged by helicopters to the exclusion of other cost effective and environmentally sound practices, the allocation of the purchase dollars will be lost to both the local communities and the local governments.

I have concern also that even with the Salvage Bill, the Medford BLM and the State BLM office are not meeting the requirements of the O&C Act of 1937. The Act requires the Secretary to determine the sustained yield capacity for timber dominant use and offer that volume each year. That is the law and the Salvage Bill does not allow enough timber to satisfy that requirement.

Another issue is how the volume is measured. A major part of volume on some forests is firewood, which is not as economic and does not improve the revenue stream.

I would like to talk for a minute about the spiral downward. Forest management is more than numbers to those of us who live and work in Jackson County. It is more than numbers to us who try to manage county services with increasing demand and decreasing revenue from O&C lands.

Here is what I see as a spiral downward. The mills in Jackson County are dependent on the supply of Federal timber, as is the county government. Recently, Croman Corporation closed its Ashland operation. When the Croman mill quits operating, eventually the assessed valuation goes off the property tax rolls, and the property taxpayers from all taxing districts will pay more to make up for Croman's decrease.

The same property taxpayers will be asked soon to vote on a property tax base for Jackson County to support county services because of decrease in O&C funds, the revenues generated by cutting BLM timber.

This will be a double hit for the taxpayers of Jackson County, but it gets worse. If the salvage is not accomplished, the dead and dying cleaned up, our same residents will be asked to foot the bill for wildfires. The cost to the county and the State were high in the Hull Mountain fire.

So far the residents are most affected by the loss of Federal timbers. They, too, will be affected by the astronomical increase in paper prices and the increase in housing costs, as will the rest of the nation.

Individuals like Jim Miller have an added burden. This is directly related to the immediate salvage emergency. Jim Miller lives in the Ashland area and has several thousand acres abutting some untreated BLM property. The dead and insect infested trees on the BLM property are a problem for the public land.

However, because the insects do not know property boundaries, the untreated, bug infested trees contaminate the private property owned by Jim Miller. Jim has been a good steward and has spent thousands of dollars treating his problem of drought killed trees and planting young seedlings.

Now he has to suffer the consequences of living next to the Medford BLM. His trees are dying from the effect of unmanaged land. If wildfire hits the unmanaged land, Jim's land will suffer also.

There is more. The problem of forest health and harvest levels affect each resident in Jackson County, including the 45 Croman Corporation employees who have stepped into the unemployment line, as have almost 14,000 other wood product workers.

These workers, who had family wage jobs, bought cars and houses and started raising families, will change occupations and suffer financial setbacks that could cause irreparable damage to their families and lives. Many of them need our county services just when the county is decreasing services and asking for increased taxes. In each case, the county loses a contributing member and gains one more who fully cannot pay their way.

What I have described for you is a spiral downward, but the problem can be reversed. The Salvage Bill is a beginning with specific language that clearly outlines the congressional intent. Salvage not only corrects forest health problems, but also keeps mills operating and supports county services. This is a reverse that produces a win/win.

We have a very big stake in the success of treating our forests in a timely manner. I would strongly suggest that this Congress, in addition to the salvage, mandate to the agencies that we also require they develop a comprehensive fire management plan that

would include density management, maintenance of fuel breaks and roads adequate for fire fighting vehicles.

Further, rather than manage our forests through the courts with layers of disconnected planning tools and restrictions, that Congress follow the recommendation of the best current science and direct agencies to manage for the whole landscape rather than for individual species. In every case, scientific teams should include silviculturists, as well as other scientists, if we intend to maintain healthy trees.

Finally, Congress needs to enact sufficiency language into the appeals process to limit appeals as done in the Salvage Bill.

Thank you for inviting me to speak today. This concludes my testimony. I would be glad to answer any questions.

[The prepared statement of Ms. Kupillas can be found at the end of the hearing.]

Mr. COOLEY. Thank you, Ms. Kupillas.

Doug Robertson.

STATEMENT OF DOUG ROBERTSON, DOUGLAS COUNTY COMMISSIONER

Mr. ROBERTSON. Thank you, members of the committee, first for taking time and making the effort to be with us today, and second for inviting testimony from some of the all too often forgotten components in this debate, namely the people on the ground who are impacted by these decisions and policies.

My name is Doug Robertson, and for the past 15 years I have served as the Douglas County Commissioner and also as Vice-Chairman of the O&N Association.

I would like to begin my remarks this morning with a brief visual description of what the implementation of the Clinton Forest Plan (Option 9) looks like in Douglas County. While we are here today to discuss the Emergency Salvage Timber Sale Program, it is very difficult to take that issue out of the overall context of the debate and come away with a broad understanding of the entire Federal forest and private forest management dilemma.

[Chart.]

Mr. ROBERTSON. The base map, and I will refer to the map to your left, depicts Douglas County, the bounds of which include the crest of the Cascade Mountains all the way to the Pacific Ocean. We are the fifth largest county in the State and comprised of over 5,000 square miles and 97,000 citizens.

The dark green areas on the map are Federal forest lands that have already been legislatively withdrawn from the Federal forest timber base. These are areas that represent wilderness areas, elk calving areas, sensitive soils, archaeologically sensitive areas about which there is no debate. They have been withdrawn and totally comprise 264,000 acres of Federal forest land upon which there will never be any industrial activity.

Let's now apply the overlays that articulate the cumulative effects of the Clinton Forest Plan. When you combine the sensitive watershed areas depicted in blue, the adaptive management areas in orange, and we have a 90,000 acre adaptive management area in the central eastern part of the county, and the late successional or old growth areas in purple, you begin to see a very restrictive

pattern develop relative to the amount of timber available for management.

Add to this the potential impact of the 4d rule in red, and you can begin to see why people in this region and particularly Douglas County are concerned.

The final overlay depicts what was described to us by the U.S. Fish & Wildlife Service representatives in 1994 in a scoping document dealing with the implementation of the 4d rule. What you see in red is approximately 650,000 acres of private timberland which would be impacted and restricted by three overlapping special emphasis areas.

Let me just digress a moment by saying I cannot adequately relay to you the damage done by this 4d proposal; real damage to the environment and also damage to the average land owning citizen's view in terms of the various Federal agencies who would play an enforcement role in this proposal.

Because of an aggressive response by our citizens and many others throughout the State and because of help from some of you and other members of the Oregon delegation, the 4d rule was not implemented in Douglas County nor in Oregon yet. We are currently working on an Oregon alternative.

One of the reasons the Salvage Timber Sale Program is so important is that it represents the first serious departure from a national forest policy that locks up dead, dying, old and diseased timber and focuses harvest on young, immature trees just when they are putting on their most significant growth and value. That policy represents forestry in reverse. It is bad economically, it is bad environmentally, and it is bad public policy. Hopefully with the help of this task force it will end.

It becomes clear to even the most casual observer that to continue with the current model of forest management is not only a mistake, but a national disgrace. There are solutions, but they require bold leadership on all levels.

One of the basic ingredients of any solution is the realization that lasting conservation and good stewardship must be incentive based. The power of American ingenuity and creativity is limitless. We have programs in place like Ducks Unlimited, the Rocky Mountain Elk Foundation, Pheasants Forever and many others that have created millions of acres of wildlife habitat through incentives, not regulation.

If for one moment anyone believes that the punitive, restrictive, regulatory system of the liberal, radical environmentalist movement will produce long term, ecological stability, visit the former Soviet Union and some of its satellite states and witness the unbelievable environmental degradation that has occurred under the direction of a centralized, bureaucratic ridden government.

What about solutions; solutions that integrate the salvage issue with the overall management on the Federal forest lands? There is an effort being made to cut through this tangle of bureaucratic red tape. The association of O&C counties has made such a proposal.

For those of you who are a little rusty on the O&C lands, if I could just take a moment and give you a little history, the O&C lands are comprised of the remnants of 2.5 million acres of public domain land granted to the Oregon-California Railroad Company

in 1866 to build a railroad from Portland to the Oregon/California border.

The line was eventually completed, but because of failure by the railroad to comply with certain provisions of the grant, the Federal Government took the lands back in 1916.

Realizing the tremendous impact of that amount of Federal ownership within the counties in which these lands are located, the U.S. Congress passed the O&C Act of 1937 which stipulated that timber would be harvested on a sustained yield basis and that 75 percent of all timber receipts from the lands would go to the counties and 25 percent to the Federal Government for administration and management of the land.

In order to improve and intensify management on these lands, the counties started contributing 25 percent of their share for that purpose in 1953 and have continued that contribution until the Reconciliation Act of 1993.

The proposal is simple. It is to transfer the title of the O&C lands from the Federal Government to the State of Oregon. Oregon has demonstrated time and time again its leadership on environmental issues. Oregon's ability to combine the O&C lands with State-owned forest lands would create a tremendous opportunity for blocking up several categories of forest lands currently under diverse ownerships and conflicting management strategies.

Oregon recently demonstrated its ability to be creative with the Elliott Forest Habitat Conservation Plan. The Elliott State Forest is a 93,000 block of forest land in western Douglas County and Coos County. Two months ago, the U.S. Fish & Wildlife Service signed off on the Elliott HCP, thus creating the very model which demonstrates the O&C transfer is not only workable, but will also save the Federal Government hundreds of millions of dollars and help create economic and environmental stability in our State.

Today the focus is on the salvage plan. While that is a vital component of forest health and also critically important to the communities that are so dependent on balanced forest management, I urge the committee to expand its vision beyond lines on a map and rigid patterns of landownership.

While we who have been so active in these issues representing our citizens on the local level are committed to finding solutions to these challenges, I can tell you without hesitation, and I know you share our commitment, that until people, communities and working families are considered and become part of the solution, there is no solution.

Thank you.

[The prepared statement of Mr. Robertson can be found at the end of the hearing.]

Mr. COOLEY. The panel now has an opportunity to ask questions for five minutes. We will go forth with that.

Pat, has there been any impact in your county at all since we passed Public Law 104-19?

Mr. WORTMAN. The impact to the county, Congressman Cooley? Yes, there has been an impact, but it is not too great in our county yet. I think if it were carried out completely it would be, yes.

Mr. COOLEY. Since you are the county commissioner, are you in correspondence verbally, written, or otherwise with the regional

forestry and the BLM about what they can do under the new law to expedite some kind of clean up of this dead and dying timber?

Mr. WORTMAN. I would have to say that I am very appreciative of the path that the Forest Service has taken. They are attempting to make this work, but one thing we have to realize is that the pipeline was completely dry when we started this. It takes time. It takes resources to go out and get these fully implemented.

There is still a procedure that we go through to harvest salvage, as you stated in the beginning. That they are very aware of. We are aware of it.

Again, I guess if I was going to ask for more, I would ask for more time so that they could get this salvage prepared and get it out, but they are attempting to do this.

Mr. COOLEY. Do you think there is anything we can do here to expedite the process?

Mr. WORTMAN. I guess I would ask for your support for those people and also the support of dollars and other resources to address the job.

As you well know, the Forest Service in many areas has become over balanced, and we have a very lack of people that go out and are timber experts today. We are back to other types of people that address other issues. We need good, sound people to do this. A lot of them have left the organization or left the agency.

Mr. COOLEY. You are aware that Public Law 104-19 allows the agency to hire "experts" in areas in which they do not presently have staff?

Mr. WORTMAN. I am aware of this, and they are aware of this. This is kind of a new program to the people that are there today. They are doing an analysis on this.

I think they would like to try it, but they need some leadership in this, and they need some support in this. They would like to know that Congress supports them as they go forward in this.

As you know, any time you get new orders everyone analyzes them a little differently, but I appreciate that very much.

Mr. COOLEY. I want to tell you that in the northwest they should not have any problems with sufficient funding because under this legislation, we actually gave them an additional \$247 million to implement this law. We really, really would like to see some progress. The law requires between 45 and 90 days, and it was July 27.

We are hearing from a lot of people, county commissioners like you that nothing seems to be happening. That is why we are going through this hearing process. We urge you to keep in contact with them and see if you can work something out.

If it becomes a problem, we would appreciate being notified that there is a stumbling block.

Mr. WORTMAN. I would appreciate that very much.

Mr. COOLEY. Thank you.

Sue, you and I have had a long, long history together. I really, truly appreciate you coming here today. I was hopeful that you would and not boycott it. It is nice of you to do that, and I want to thank you very much for this.

Ms. KUPILLAS. Chairman Cooley, could I make a comment?

Mr. COOLEY. Just a second. This is my time.

Ms. KUPILLAS. OK.

Mr. COOLEY. We had this same problem before, you know.

Anyway, one of the reasons that I wanted you here is because I know how knowledgeable you are on this subject, and I really appreciate your presentation. I want to ask you just one question.

You are familiar with Public Law 104-19. Do you think that this law gives enough flexibility to the agencies to salvage timber in your district, or have we not properly informed the agencies of our intent?

Ms. KUPILLAS. Chairman Cooley, the point I wanted to make was I respectfully disagree with the panel in saying there are no Democrats here today. There is a lot of diversity within our Democratic party, as you well know, and many of us here today are here, and we are moderate. There are Democrats here today.

Mr. COOLEY. I forgot to inform my colleague here. We were talking primarily about the resource panel.

Mr. HERGER. Yes. I meant as Members of Congress. I apologize to you.

Ms. KUPILLAS. Thank you. I am very proud to be a Democrat.

Mr. HERGER. Our good, common sense Democrats are with us. Thank you.

Ms. KUPILLAS. We found that actually the law itself does allow flexibility. I guess where we are finding the problems are the things that I pointed out.

Sometimes the disconnect between the Federal Government and the local agency is such that the local agencies start down a path they have failed to outline. They have ideas of exactly how they can meet the targets, and then they are handed one more set of slight change where they have to revise everything. It is always revision downwards, and not upwards.

I think that if the local agencies were allowed to go out and do their best work at figuring out exactly how they are going to manage this salvage operation they would do better.

The other thing I pointed out is within the rank and file, and I think I did in my written testimony and not verbally, that within the agencies on a local level we find that even though they have a lot of latitude that there is still the fear of these overlapping laws stopping them and the fear of appeal, so they try to make every sale bulletproof according to all of the old layers and layers of regulations.

While they are managing to do environmentally sound sales, I think they go overboard in actually decreasing the volume just to meet what they perceive to be the opportunities for appeal. They are not using their best judgment in every case. I think that they could in fact cut more salvage.

Mr. COOLEY. Doug, my time has run out. I have a question I want to ask you, and I will do it in writing if you do not mind.

Mr. ROBERTSON. That is fine. Surely.

Mr. COOLEY. Thank you very much.

Ms. Chenoweth.

Ms. CHENOWETH. Thank you, Mr. Chairman.

I just want to say that we are certainly very sympathetic and respectful of the fact that you, the commissioners of your counties, are the bosses in your counties and that we really as a Federal Government should be far more responsive and sensitive to the fi-

duciary responsibility that you have to maintain roads, bridges, hospitals, school districts, cemetery districts or whatever the Oregon law calls for. It is a huge, huge financial problem that you have.

Because we have not been able to supplement our federally managed lands with the activity on the lands and be able to supplement your budget, it has really created a pressure on you that is just unbelievable. We are very sympathetic to that and hope that soon we can see a change in that.

It is going to take a little while, but we feel the pressure for you and are very respectful of the good jobs that you do. You are the elected officials closest to the people, and that is why it is so important we have our very best people elected county commissioners.

It has been a personal pleasure hearing from you, and I certainly hope that very soon we will be able to help relieve some of the problems that you have presented to us.

Commissioner Kupillas, you did not have a chance to mention a letter that you included in your testimony that I found very interesting, a letter dated March 24, 1994, from Mr. James C. Miller with regards to the impact of mistletoe and disease and insect infestation because there is lack of control of the disease and insect infestation on Federal lands.

For instance, with regard to the mistletoe, would mistletoe come under noxious weed control? It is not a weed.

Ms. KUPILLAS. We have a noxious weed control board, but I do not believe that that falls under it.

I think the interesting thing in Jackson County is we found we have had more interspersed lands between Federal and private than probably any other county in the State of Oregon. It is our checkerboard pattern. We find we have tremendous conflicts. This is just one more added version that we have to deal with. There are probably many private landowners that are experiencing the same thing.

I pointed out Mr. Miller's problem because I thought it was more personal if you understand I can actually identify an individual who has come forward and said to a Federal agency you have to correct this problem.

Ms. CHENOWETH. I appreciate that, and the fact is that if we had a noxious something on private land that encroached on Federal land, it would certainly be another story.

Ms. KUPILLAS. Yes.

Ms. CHENOWETH. They would be held responsible personally. I think someday the Federal Government has to be held responsible for the diminution of the value of private property, whether it is through an eco taking or whatever it might be.

Thank you, Commissioner.

Commissioner Wortman, in your testimony you described study after study that was done up in your area. They were supposedly needed to make sure that the land was protected when harvesting occurred.

Have any of those studies and any strategies increased certainty for timber workers and stability for their families and your community and county? Have we seen anything result from all of the studies?

Mr. WORTMAN. Sadly, the studies that were done just a year and a half ago showing the decline in employment and also showing the decline in jobs available have proven to be true.

The studies that have studied the harvest of salvage, the one study that I would bring your attention to is the one I mentioned in there that was done for Governor Kitzhaber. It has June 15 on the cover. I had to do a lot of searching to get this. Talking to the State Department of Forestry here just before we began this, they said it is going to be distributed widely.

We have two or three documents that have been done within the last three years by the Forest Service speaking to the degradation that we have out there and also speaking to the solutions to some of these problems.

Again, it is what we are trying to tell you. We seem to come to a gridlock, and we need strong leadership such as you are trying to exhibit here to give these people the courage to go ahead and use these studies in a way that they were meant to be used.

Ms. CHENOWETH. Thank you, Commissioner.

Commissioner Robertson, I thank you for the displays. They are very, very graphic. Now, the red checkered display was for old growth did you say?

Mr. ROBERTSON. No. The red depiction on the map, Congresswoman, is the potential impact of the implementation of the 4d rule on private property.

Ms. CHENOWETH. Now, there was another overlay that had to do with old growth?

Mr. ROBERTSON. Yes. That is the purple area that is interspersed. That, as Sue has pointed out, demonstrates the difficulty of management between the BLM lands and the private lands. The red is in private. The purple is BLM. It creates some dilemmas with management and one of the underlying reasons for the O&N proposal.

Ms. CHENOWETH. I see that my time is up, but it is just amazing to me. We all appreciate old growth, but when the Congress was seriously considering the Ancient Forest Act last year it was almost as if the Congress had passed a law to preserve old growth forests that they supposed that maybe those trees would never die.

They just do not understand the dynamics in the forests back there in the east. We need to get more of them out here on the ground and let them understand that trees do have a life cycle.

Thank you, Commissioner.

Mr. ROBERTSON. Thank you.

Mr. COOLEY. Mr. Herger.

Mr. HERGER. Thank you very much, Mr. Chairman.

I would like to clarify something. I appreciate, Commissioner Kupillas, your pointing this out.

Commissioner Wortman, you mentioned that in your county I believe you have the highest unemployment in the State, or at least one of the highest unemployment rates. I believe you mentioned 16 percent. Three mills, I believe you mentioned, had closed in your county.

I can relate to that. I actually have a county that the unemployment rate in one of my ten counties that I represent has run as high as 21 percent. I have a number of other counties that are in

the vicinity of 16 percent. Some 29 mills have closed just in the district that I represent, again your bordering district in northern California.

I can relate to what you are saying, and I think the point being made or that I would like to make is that this is not a Democrat or Republican problem by itself. This is not a conservative/liberal problem by itself or a moderate problem. This is a problem that we are all facing.

Every single citizen here in Oregon and every single citizen in the district I represent in California and even through our nation are being faced with the same major, major problem. It is a series of problems. How do we preserve our forest? How do we preserve forest health before they burn down, and how do we preserve the viable economy of our district? Again, this is not Democrat or Republican problem.

I guess the point I wanted to bring out is unless we see, and I would guess that probably half of the room is divided between the parties, as it should be. We have concerned citizens that are here and concerned representatives at the local level that are here. I want to commend you, Commissioner Kupillas, and each of you that are here.

I guess the tragedy that I see is why is this concern not appreciated at the Congressional level? Why is it that even though we have invited Democrats and those of the other party, and not a single one has seen fit to show up here?

Why is it that we have invited the environmental community to share with us their concerns and to go over these very real problems, and why is it that they have not seen fit to testify at this hearing? That is the only point I was making earlier, not that this problem is not shared by each of us.

More specific to the purpose of this hearing is this legislation, this emergency, very limited, 18 month legislation that we have passed in the Congress and has been signed by the President. Is it being implemented? That is really the purpose of this hearing today.

Getting more to that point, Commissioner Robertson, if I could just ask you a few questions, and I thank you for the wonderful graph. It is not a positive graph, but at least one that represents what is taking place.

In your opinion, could you tell us with the national forest and the BLM lands in your county, I believe Douglas County, have the Federal agencies aggressively pursued this timber salvage sale that is outlined within the legislation that we have?

Mr. ROBERTSON. Congressman, it would be inaccurate for me to try to describe Douglas County as a forested county in tremendous stress and in need of salvage. We are very fortunate in that we are not. We certainly have some. The sugar pine in our forests are stressed, and there needs to be more aggressive attention paid by the agency.

Let me just say that you folks deserve an enormous amount of credit for making the commitment to make the first unambiguous attempt to direct our Federal agencies from the legislative perspective.

This issue is not going to be solved in our courts. It is going to be solved with legislation. This is only a start, a small one albeit, but this follow up to see if the implementation is ongoing is so critically important.

You and your colleagues who supported this deserve an enormous amount of credit because it is the first departure from business as usual. It will work, and it is up to all of us to join together.

This is clearly a bipartisan issue that cuts across party lines. It does not have anything to do with partisan politics. It has to do with saving our forests. We commend you for your efforts.

Mr. HERGER. Thank you.

Mr. COOLEY. I want to thank the panel. You are excused. Thank you very much for your time.

The second panel, please. Mark Simmons, Larry Charney, Mike Wiedeman and Carey Moffett, please.

Mark, you have the floor for five minutes.

STATEMENT OF MARK SIMMONS, NORTHWEST TIMBER WORKERS RESOURCE COUNCIL

Mr. SIMMONS. Thank you. I want to thank you for providing me this opportunity to testify before you today, and I want to especially recognize Congressman Wes Cooley and thank him for all his hard work on natural resource issues that are so critical to those of us who live in eastern Oregon. Thank you, Congressman.

I appear before you today as the northeast Oregon spokesman for the Northwest Timber Workers Resource Council, as an executive board member of the Oregon Lands Coalition and president of Western Council of Industrial Workers Local 2910 in Elgin, Oregon.

The Emergency Salvage Amendment to the Rescissions Bill is a step in the right direction. We must now do all we can to see that it is implemented to the fullest extent possible. We are now asking the Forest Service to go out and produce timber sales focusing on salvage of the dead and restoration of the forest within the confines of very narrow and restrictive management guidelines due to the implementation of the Endangered Species Act.

We must move forward. While we are waiting for Congress to bring some balance to the Endangered Species Act, we must encourage the Forest Service to take advantage of the management opportunities that are available.

Public forests are dead, dying, prime for catastrophic wildfire and as a rule in much worse condition than adjacent private lands. The public trust has been violated. Our faith in the ability of our government to intelligently manage our forests has been all but destroyed.

Even with that, we must find ways to move ahead. We must continue from where we are today to where we need to be in the future. We are committed to the process, for we have nothing else if we are to survive.

I have been assured by several district rangers that they will be able to meet the salvage targets they are assigned, but that as of yet their individual district salvage targets have not been specified. This raises questions such as why is it taking so long to get this program off the ground? Is it interference from the Clinton admin-

istration who has stated their opposition to the Emergency Salvage Amendment, or is it slow reaction time and inefficiency within the Forest Service?

Why does it appear that Region 1 of the Forest Service is moving ahead so much more aggressively on salvage than Region 6? Region 1 has issued a Regional Strategy for Salvage Sale Accomplishment that is comprehensive and focused on implementing on the ground the intent of the Emergency Salvage Amendment.

There appears to be a difference in the attitude of their leadership. Hal Salwasser, the new regional forester for Region 1, is laying out a path for his people to follow and urging them on toward accomplishment.

The forests and communities of Region 6, whose ecologic and economic health depend on management, deserve a focused and aggressive salvage program every bit as much as the forests and communities of Region 1 do.

The delays we are experiencing are causing great ecologic and economic damage to our forests and communities. An aggressive salvage program can alleviate some of that damage.

Salvage is just one of the tools we must use to restore our forests, restore functional habitat and increase biological diversity. We have done this before. We have already demonstrated many times our ability to use silviculture to benefit our forests and create healthy, sustainable habitats. We must now find the political will to implement and restore the forest's ability to sustain itself.

I have several specific recommendations to make. The first is that timber sales must be economically feasible to operate. We cannot be asked to use helicopter logging systems to remove low value material such as pulp.

The second of my recommendations is that you institutionalize a long term salvage program. If we are truly committed to restoring our forests, we must institutionalize a long term salvage program. It has taken many years to get our forests into the condition they are today, and it will take many years to restore them.

The current Salvage Amendment is a good start, but we must annually re-evaluate the condition of our forests and determine what we can realistically remove before it becomes of no value commercially and then get out and do it. We must run a percentage of recent dead through the mills every year until we take care of this problem. We must keep the pressure on.

The third recommendation I would like to make is that you continue your efforts to change the Endangered Species Act.

Management of our forests today is complicated and controversial with much rhetoric from extreme voices on all sides. However, we can get a lot closer to the middle than we currently are.

The most recent forest inventory numbers developed during the most recent forest planning process for the Wallowa-Whitman National Forest registered a biological yield of 193 million board feet per year from suitable timberlands with minimum management requirements for indicator species.

Last year, the Wallowa-Whitman National Forest only sold 53 million board feet. The green saw log component of that was only 5.3 million board feet. The rest was salvage timber, posts, poles and firewood.

In our benevolence and desire to include all in an open forest management process, we have in fact been pandering to obstructionists, the logical conclusion and fulfillment of whose goals will lead us all to poverty and want.

The people of rural Oregon and many other politically insignificant areas of our nation deserve better. We need your help. Please continue your efforts to develop a fair and balanced forest management program on public lands beginning with the full implementation of the Emergency Salvage Amendment.

Thank you.

[The prepared statement of Mr. Simmons can be found at the end of the hearing.]

Mr. COOLEY. It is your turn, Larry.

STATEMENT OF LARRY CHARNEY, UNITED PAPERWORKERS INTERNATIONAL UNION LOCAL 1171

Mr. CHARNEY. Good morning. I am Larry Charney from Sweet Home, Oregon. I live in Sweet Home, and I work in Halsey, Oregon.

I would like to thank the Chairman and the members of the Timber Salvage Task Force of the House Resource Committee for allowing me the opportunity to speak in regard to timber salvage and forest health. I also want to acknowledge Congressman Peter DeFazio, who represents my district.

I appear before you today on behalf of the 250,000 members of the United paperworkers International Union, including my 130 brothers and sisters of Local 1171. I appear before you today on behalf also of the rest of my coworkers at James River in Halsey, Oregon, where I have worked for the past 22 years. I currently work as a process operator.

Through the years with my work experience, I have come to the conclusion that proper forest management activities are essential to protect the health of our national forests. As a forest products worker, I know we can improve the forest health and protect our jobs at the same time. By removing dead, dying and diseased timber that is accumulating on the forest floor, we can preserve forests and provide a critical supply of timber to our mills.

The fact is, Mr. Chairman, President Clinton signed the emergency timber salvage legislation this summer, but to date the Forest Service largely has restricted us from conducting salvage activities. We want to reactivate productive forest management practices that benefit the environment. Instead, we are forced to stand idle and watch the health of our forests decline.

We are extremely frustrated with the lack of action that has been taken to implement the salvage measure. Insect infestation is spreading from one tree to the next, and dead and dying timber lies on the floors of our forests just waiting to serve as kindling for intensive fires.

Meanwhile, mills have closed and have been gutted, leaving only the building shell as a cruel reminder of what is happening to our industry. Tens of thousands of men and women have lost their jobs because of restrictions on timber harvesting to protect threatened and endangered species.

Let me give you a classic example of how the current lack of salvage activity is failing the forest health and people. Right outside Sweet Home is a track of land called the Santiam Pass. This land is part of hundreds of thousands of acres of dead trees that were killed from the spruce budworm infestation.

This dead timber could be removed and provide much needed resources for milling, reducing the threat of loss of additional trees and jobs. However, this land is restricted from harvesting due to the claim that it is northern spotted owl habitat.

Here is the remarkable part of the story. U.S. Highway 20 passes through this part of the land to Sisters, Oregon. The Oregon Department of Transportation raised a safety concern with the Forest Service because the dead trees have a potential of falling onto the highway. The ODOT asked the Forest Service to provide a comfort zone of two tree lengths from the road.

The Forest Service attempted to conduct a salvage sale to create this comfort zone, but the preservations appealed. The ODOT was forced to obtain a deed from the Forest Service, and the timber was sold and used for milling. The safety concern was eliminated.

It amazes me that we needed all this legal maneuvering just to protect travelers. According to the people who sued to stop this needed project, even safety concerns for human lives are not valid reasons for harvesting dead and dying timber.

Salvage logging is more of a benefit than just protecting forest health. Salvage logs provide a source of fiber supply. I work in a recycling department for James River. Our mill is very proud that 90 percent of the solid waste from our plant is used as soil amendment and distributed at no cost to local grass seed farmers.

We consider the paper industry to be one of the best recycling businesses in the nation. We manufacture products that are used on a daily basis.

Willamette Industries is one of the biggest pulp manufacturers in our area. In 1989, Willamette employed 528 people within the Sweet Home area. In 1994, after years of harvest restrictions and mill closures, Willamette employed 171 workers. That is 357 hard-working men and women who have lost their jobs.

We hoped that the emergency timber salvage legislation would help provide the balance needed between environmental concerns and social and economic needs of the community. Unemployed timber workers have few options of finding other jobs. Some work long distances from home, leaving their families for days at a time. Others accept low paying and low skilled jobs just to stay close to home.

Some have been accepted in a retraining program established by President Clinton's administration called Jobs in the Woods. Like many other retraining programs around this region, this program has good intention but very little effect on the community. The program only accepts a handful of workers. Those fortunate men and women join a two year program that will hopefully prepare them for the future.

We were so encouraged when the Federal Court ruled last week to force the Forest Service and the Bureau of Land Management to release timber sales under the salvage provisions. Now we are hopeful that this committee can help solve the problem. We have

reached the point where both sides need to join together to save forests and save people. It can be done. It must be done.

I urge you to mandate the Forest Service to quickly implement salvage sales in order to protect forests, wildlife, jobs and communities. It is a solution that makes the most sense.

Thank you.

[The prepared statement of Mr. Charney can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much.
Carey.

STATEMENT OF CAREY MOFFETT, VICE-PRESIDENT, YELLOW RIBBON COALITION

Mr. MOFFETT. Good morning. My name is Carey Moffett. I am coming to you as a fifth generation Oregonian. I am an active partner in a small, family owned logging and livestock operation.

I am here today representing the Yellow Ribbon Coalition of Lane County, which is dedicated to educating its members and the community to responsible environmentalism and balancing the needs of nature and the needs of man.

I would like to thank the Chairman and the committee members for this opportunity to speak on forest health and timber salvage issues on the Willamette National Forest.

As you can see from my written testimony, the Willamette is located on the western slopes of the Oregon Cascades and lies within some of the most productive timberlands in the world.

Historically, approximately 50 percent of the Willamette National Forest's total acres were in general forest, and they sustainably produced 650 million board feet annually. Under Option 9, the designated harvest areas have shrunk to 12 percent of that.

In 1995 fiscal year, it produced only 32.5 million board feet of actual timber sold, which is only five percent of historic levels. In 1994, it produced only 20 million board feet or just three percent of historical levels. The Forest Service claims credit for 75 million board feet in 1995, but that includes sales that were simply advertised and have not been sold or awarded.

Under the Salvage Amendment, the Willamette National Forest has indicated to us it plans to put up only 10.4 million board feet in 1996 before the bill sunsets, and yet we have identified salvage opportunities of more than 100 million board feet. Why the difference?

Obviously the Forest Service is being told by the administration to interpret the Salvage Amendment differently than Congress intended. When the Forest Service employees were asked if the potential salvage had to comply with all the regulations of Option 9 for eligibility under the Salvage Amendment, they said, "The Court says no, but the Forest Service will do all they can to comply with the requirements of the administration."

The Rescissions Bill was passed and signed by the President in July, 1995. The salvage material is there now and has been for years. It is not like we are waiting for a catastrophic event to develop salvage. There is no legitimate excuse that salvage sales have not yet been sold.

[Photos.]

Mr. MOFFETT. A perfect example of this situation is seen in the photos in your packets, as well as to your left, where we have low down timber right in the middle of a road. It is actually blocking access to a road system that could be used for recreation and fire control. It is the result of a 1990 storm that was the cause of most of the Willamette's salvageable timber.

When we asked the Forest Service why they did not salvage the area, they told us that the area is in a late successional reserve and is off limits due to the over ten acre rule. This rule stipulates that only those areas over ten acres can be harvested. Anything less than ten acres is left to lay there and rot.

As you can see, the timber is not only close to an existing road, it is right in the middle of it. All you would need to harvest this material is a log loader and some trucks to haul the logs to market.

In the picture, there is approximately 250,000 board feet in just this one spot. Remembering that there is 100 million board feet over the total Willamette, this situation is literally repeated 400 times.

This is a perfect opportunity for a small logging operation to bid on a Federal timber sale. It is a shame when so many loggers are facing tough times that the administration will allow this timber to rot away. There would be no impact to the environment by removing these trees from the road.

Nature caused this damage, and it is our responsibility to heal this wound. By leaving this material, we are inviting bug infestation to spread to green, healthy trees and creating higher fuel loads for future fire damage.

We urge you to make the Salvage Amendment work for us. The Executive Branch never liked this part of the Rescissions Bill and are just thumbing their nose at Congress. Taxpayers should not have to pay for government attorneys to have the Executive Branch of government fight the Congressional Branch in the courtroom.

Without your intervention, the administration will continue to drag this out in the courts just as long as they can so there will be no time left to put any salvage timber up for bid before the bill sunsets.

Congress should pass a bill that adds a day on the end of the bill's length for every day the administration holds it up. This may be the only way we can defend ourselves against the broken promises of the administration.

It is obvious this administration is using everything in their power to make it not work instead of using everything in their power to make it work.

Thank you.

[The prepared statement of Mr. Moffett can be found at the end of the hearing.]

Mr. COOLEY. Thank you.

Mike.

Mr. WIEDEMAN. Congressman Cooley, before I begin my remarks I have a presentation to make from the 1.1 million members of the Oregon Lands Coalition to all of you for coming to Medford and holding this hearing.

As Rex and Brian bring those hard hats and suspenders out here for you—

Mr. COOLEY. Thank you. This is very nice. I really appreciate it. I now have two pairs.

Mr. WIEDEMAN. There you go. Not only are these hats and suspenders from Oregon Lands Coalition, Oregon Loggers and Rough & Ready Lumber Company designed to protect you from falling trees when you are out there in that dead and dying forest, but they carry a lot more weight than that.

These hard hats represent the hopes and prayers of the working people of the Pacific Northwest that you all will stay the course, amend the Endangered Species Act, salvage the dead and dying timber and return balance and common sense to the process.

There is more. Here is what we would like you to do. Whenever you are getting beat up by the other side, we would like you to go put those hard hats on and hitch up your pants and stay the course.

Mr. COOLEY. Thank you, Mike.

Do you mean to tell me that the next time our Governor comes and visits me I should put this on?

Mr. WIEDEMAN. You bet.

Mr. COOLEY. I promise you I will.

Mr. WIEDEMAN. All right. We also have some hats for the other members that were not able to come today, and we would like you to take them back and give them to them.

Mr. COOLEY. We appreciate that. We will do that for you.

Mr. WIEDEMAN. Thank you.

Mr. COOLEY. Go ahead. It is your time.

Mr. WIEDEMAN. Time does not allow for me to read all of my comments, but I have been asked to deliver testimony from Representative Bill Fisher from District 46, Douglas County, who was unable to be here today. He would like this entered into the record.

Mr. COOLEY. So entered. Will the clerk pick that up, please?

[The prepared statement of Mr. Fisher can be found at the end of the hearing.]

STATEMENT OF MIKE WIEDEMAN, EXTERNAL VICE-CHAIR, OREGON LANDS COALITION

Mr. WIEDEMAN. I will not have time to read all my testimony, so I am going to focus on some issues that I think are really important, and then I am going to explain to you how I came to arrive at this testimony.

This testimony is a composite of meetings with foresters and loggers, line officers in the Forest Service and people that are really concerned about this issue. We have identified ten issues that we think that the Rescissions/Salvage Bill needs some work on. Whether it is miscommunications or what, we do not know.

I am going to quote a little bit here. I had a conversation with a local ranger, and he told me a story of how he was directed to prioritize projects for the upcoming fiscal year. I think this illustrates a major problem.

He created a list of nearly 100 projects and rated them on need. He then submitted the list to the S.O. When the list was returned to his office, the project that he had rated as the lowest priority

was rated as the highest priority by the S.O. I believe that that clearly illustrates a lack of communication between the Forest Service.

The issues that I feel are important, these ten issues, is the issue of risk of no action, the potential for complete resource loss from no action. In 1994, we spent nearly \$1 billion. We burned up four million acres. That is \$250 an acre. That does not include the cost for regeneration on those lands. That is actually just the suppression costs.

We have \$250 an acre invested in those burned up lands, and we have not even reseeded them. We could do a lot with that money on the front end instead of doing it all on the back end.

When talking to the Forest Service folks, the emergency salvage law seems to be a secondary priority. The law is only being applied to sales that are dead and dying when it could be applied to a whole range of projects that might enhance forest health. That is what we are seeing out there on the ground.

Helicopter logging has already been talked about. We see that as a real issue.

I would like you to turn to the last three pages of this testimony, please. This testimony was written by Forest Service personnel, a group of folks. They chose to remain anonymous, but it was solicited. I want to read some statements from those folks, and I would like to hear some of your comments later on about it.

"The current dissatisfaction is due to expectations not being met either because of misunderstandings, unrealistic expectations, interests that are not compatible with direction."

"Desired future condition and management direction that all can understand (may not agree with) is critical to unlocking the frustration. Accountability, responsibility and authority is a majority issue with the public in defining who has authority, responsibility and is accountable for various resource management decision."

I would like to emphasize this part. "It can and is also difficult for Federal land managers to determine at times." These are forest rangers, line officers, telling you they do not know who in the hell is in charge.

Finally, on the next page in about the middle of the page is one of the issues that I think is really important. "Another contributing factor is redirecting agency funding to special projects without consideration of impacts or other aspects on agency goals or mission." The top priority for the S.O.'s office is the least priority for the ranger district.

Finally is the last paragraph. "The overly complex legislation has led to the quagmire of bureaucracy and susceptibility to lawsuits. Although it is easily realized that Congress and the administration have used this as a method to ensure specific objectives are met, it is one of the major blockages to achieve quick adjustments in resolving resources management."

You have too many sideboards for those folks. They have to have some latitude to be able to move about within the process and do what needs to be done on a local level.

I will conclude my remarks. Thank you.

[The prepared statement of Mr. Wiedeman can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much.

Mark, you have testified before the Resource Committee many, many times. Now that we have Public Law 104-19, and you are in the field working all the time, give me your feeling about what is happening in your area as far as your relationship with the Forest Service and BLM is concerned.

Mr. SIMMONS. We have had bug problems in northeast Oregon for a long time. As you will note, in the last part of my testimony I indicated that of 53 million board feet last year, only 5.3 million was green. The rest was salvage timber, posts, poles and firewood. Of that, I understand 39 million board feet was saw timber.

There has been an ongoing salvage program for a long time. To my knowledge, in the Wallowa-Whitman National Forest there is no volume that is attributable directly to the passage of this Salvage Amendment.

I understand there is some urging, though nothing has been produced in Region 6, comparable to the Regional Strategy for Salvage Sale Accomplishment that Region 1 has issued. I understand there has been some direction to go out and get some salvage done, but not the leading from the front that I would like to see.

Mr. COOLEY. Thank you.

Larry, I think when you made your testimony you hit the nail right on the head. We, in Congress, thought that when we passed this Salvage Bill, the Public Law, that it was a win/win for everybody. I wish the environmentalists thought that as well.

It does not do any good to have the dead and dying out there. We think that not only does it create jobs, but it gives money to the counties, and puts money in the Federal treasury.

We think it is going to make the forests better, and replanting—as it is in the law, will give us green trees for perpetuity. I really appreciate your comment that it is a win/win, and it really, truly is.

From your perspective, what do you think is going on in your area as far as salvage is concerned since the signing of this law on July 27?

Mr. CHARNEY. I have been pretty active in the Sweet Home area, and I do have an opinion on that. I would like to make a little statement on that.

With reluctance from top administration officials down through the Forest Service, this has indicated to me that the President's signing of the bill was meaningless. The Court's decision helped, but I still fear the administration and the Forest Service's interpretation of the bill being so conservative will not change.

If that happens, I feel we, the workers, and all the people that live outside the metropolitan areas are paying a very unfair, unjust price because of misinformed and misguided people by some extremists and preservationists.

I feel from firsthand information that the bill is being looked at very conservatively and very cautiously. I was told there are still guidelines, and there is still a system to follow just because it is a lot of misinformation being given. The people think the environmental issues are not a part of it.

Mr. COOLEY. Carey, could you read us that quotation again, please?

Could we have a little order here, please?

Could you tell me where that quotation came from and read that again for the record? I would like to hear it.

Mr. MOFFETT. The source probably wants to remain anonymous, but it was a ranking official in the Willamette National Forest.

Mr. COOLEY. Could you read it again for the record, please?

Mr. MOFFETT. Yes. When Forest Service employees were asked if the potential salvage had to comply with all the regulations of Option 9 for eligibility under the Salvage Amendment they said, "The Court says no, but the Forest Service will do all they can to comply with the requirements of the administration."

Mr. COOLEY. Thank you.

Mike, I am almost out of time. I have one thing. In your area, do you have communication with your forest people? Do you have a pretty good relationship?

Mr. WIEDEMAN. Yes, I do. Line officers.

Mr. COOLEY. Line officers. Are you discussing with them what areas they might be considering for salvage?

Mr. WIEDEMAN. We actually get on the ground, Congressman, with them pre-sale and look at some of the areas, discuss the possibilities. Those kinds of things are happening every day on the Wallowa-Whitman.

Mr. COOLEY. Are you seeing progress now? Are you seeing reluctance? Are you seeing just lip service? What is happening? Give us an idea.

Mr. WIEDEMAN. Well, I am a logger by trade, and I have looked at a lot of these sales that have been put up all over the forest in Umatilla, in Wallowa-Whitman and others. What we are finding is that there is a lot of inconsistencies from district to district and forest to forest on what they perceive this law entitles them to do.

To answer your question, yes, they are being very cooperative. Yes, they are encouraging participation by the logging community. Again, these inconsistencies do not allow for the latitude that I think they need to do the salvage. That is where we are coming from.

Mr. COOLEY. I am out of time. I am going to send you some questions that I would like you to answer. Would you mind answering some things?

Mr. WIEDEMAN. I would be pleased to. Thank you very much.

Mr. COOLEY. You are still under oath even when you answer them. We need to get some real feel for this, and you are confirming a lot of things that we have heard before from others.

I want to thank everybody.

Ms. Chenoweth.

Ms. CHENOWETH. Thank you, Mr. Chairman.

Mark, thank you for your outstanding testimony, and to all of you, thank you.

On the second page of your testimony, Mark, you stated, "I have been assured by several district rangers that they will be able to meet the salvage targets that are assigned, but that as yet their individual district salvage targets have not been specified."

"This raises questions such as why is it taking so long to get this program off the ground? Is it interference from the Clinton admin-

istration, who have stated their opposition to the Emergency Salvage Amendment?"

Mark, I just wanted to tell you that on June 29, I have here a letter from President Bill Clinton that is over his personal signature to Speaker Newt Gingrich. In this letter it says, "I am pleased to be able to address myself to the question of the Emergency Salvage Timber Sale Program. I want to make it clear that my administration will carry out this program with its full resources and a strong commitment to achieving the goals of the program." That was June 29.

A letter from Dan Glickman, Secretary of Agriculture, dated that same day to Speaker Newt Gingrich says, "I want to be clear that the Forest Service will not offer timber sales under this authority that violate existing environmental standards or the spirit and intent of any environmental laws."

Then we go on to another June 29 Statement of Policy from the Executive Office of the President, which essentially talks about the same thing.

On June 29, the White House issued a press release from the President, a statement by the President that said, "I vetoed the original Rescissions Bill because it reduced the deficit the wrong way...I still do not believe that this bill should contain any of the provisions relating to timber. I opposed the timber salvage rider because I believe that it threatens once again to lead to legal gridlock and to impair, rather than promote, sustainable economic activity."

If you compare that to the letter to Speaker Gingrich, this man speaks out of both sides of his mouth. No wonder everyone is so confused.

On August 11, in another letter from President Bill Clinton over his signature to Mr. Barney Elking, manager, Northern California Log Scaling the President says, "I oppose the salvage logging provisions as it threatens to impair, rather than promote, sustainable economic activity."

"Now that the rider has become law, I have directed the Secretary of Agriculture, the Secretary of the Interior and the heads of other Federal agencies to carry out timber salvage activities consistent with the spirit and intent of all existing environmental laws."

In the essence of time, Mr. Chairman, I will just submit this for the record. I know I am not here to testify, but they raise some very interesting questions, and I would like to get this into the record if I might. No wonder everything is so confusing out there.

I thank you, Mark, for raising these questions.

Mr. SIMMONS. Thank you very much. It sounds like the old story about who is on first.

Ms. CHENOWETH. Yes, or who is on second.

You know, the President came out here a couple years ago and gave us some hope about the timber industry in the northwest. I think we were all encouraged without regard to party because the most important thing is that we see you working again, supporting your families and doing what you are best trained to do.

There is nobody—nobody—who can go into the woods that loves the woods more than our loggers. I know it because I live among

loggers. Hope to us is not a place Bill Clinton comes from. Hope means timber to us, does it not?

Mr. SIMMONS. Absolutely it does.

Ms. CHENOWETH. You really have my feelings going, and I do want to let you know how much I do appreciate all of you and all of your testimony.

Mike, we will stay the course, but you guys need to stay the course behind us. You are the bosses. We work for you.

Mr. WIEDEMAN. You can count on us.

Ms. CHENOWETH. I just want to say that you make me realize something I said to my staff the other day, and that is once you hug a logger you just never want to go back to trees.

Mr. COOLEY. Thank you, Ms. Chenoweth.

Wally.

Mr. HERGER. Thank you, Mr. Chairman.

Mr. COOLEY. Women have a way with words.

Mr. HERGER. I just want to state what the law says here for one moment, and I want to specifically state it for those who are employed by the Forest Service who are sitting in the front row.

Let me state that the law says that you must achieve more salvage to the maximum extent feasible. That is what the law says. What I am hearing here so far this morning is that this is not happening.

I am looking very much forward to hearing the testimony from our Forest Service people on why we are not seeing more action here, so I hope this is going through your mind.

I want to restate what the law says. This is the law of the land. It was voted on by both houses of Congress and signed, even though reluctantly, but nonetheless signed by the President of the United States.

We intend to see you implement it. Let's make that very, very clear. You do not have the choice of whether or not you will or will not implement this law. This is the law.

I am also intrigued. Our friends in the environmental community are always telling us their concern of destroying the environment and their concerns of disrupting the environment when we take out these logs.

Now, what really gets me in my area where I have 29 mills closed, and I want to ask this question to you, Mr. Moffett, because you brought out something very interesting that also came out two weeks ago in Redding. We have pictures of downed trees. There were windblown trees that had been downed right next to the road. These were right now salvageable.

If we wait two more years they will not be salvageable, at least to where they are economically salvageable, but we cannot get those trees out for some unknown reason. This does not destroy the environment. We have paved roads right next to them. We cannot get them out.

If you could go into it a little bit more, there is something intriguing about this ten acre rule.

Mr. MOFFETT. Yes.

Mr. HERGER. What is the basis for this ten acre rule where no harvesting can occur? Again, we are talking about just as we saw to the south of us in California.

Why is it we cannot even get trees out that are right next to the highway? What is it that our extremists in the environmental community find so objectionable about even removing these trees?

Mr. MOFFETT. That is a good question, and I wish I had all the answers for that.

Mr. HERGER. Why is the Forest Service not seeing to it that we are getting these trees out?

Mr. MOFFETT. The ten acre rule is an Option 9 deal, and I suppose it was—who knows what the scientists thought when they wrote the thing.

The way it is interpreted is you can have a few trees down here and two or three standing trees and that was the border, and then a whole other area. You might have 100 acres of blow down by any common sense maybe, but the Forest Service could go out and cut that into ten ten-acre parcels, and it would be off limits. That is the way you could interpret it.

Mr. HERGER. I do not understand what you have just said, but—

Mr. MOFFETT. What I am saying is you cannot harvest areas less than ten acres. The way this rule is put together, if you have a whole lot of wind throw in an area, and, of course, you are not going to have all the trees fall down, the way the Forest Service could draw the line is they could draw the lines just around the blow down. The line stops at the standing trees, and then it starts again where the next blow down begins.

You know, you could have 100 acres with five trees standing and draw the lines around so that you would have to divide that area up according to the ten acre rule. Does that make sense?

Mr. HERGER. I hear what you are saying. It does not make any sense what you are saying. I mean, it makes sense that this is the way it is being interpreted.

I would be very interested in finding out. You would think there would be some common sense rule where we could go in and get around something. Have you asked the Forest Service about this and why they cannot somehow work something out?

Mr. MOFFETT. We get a lot of very nice, diplomatic answers. That is about the truth of it. We were up on a media tour—

Mr. HERGER. Any answers that make any more sense than as you have described the problem?

Mr. MOFFETT. No, sir. We were up on a tour recently just at this spot standing right in front of those trees there in the middle of the road. We had Forest Service personnel there, and she had no answer.

Anybody with any common sense would know that you could have harvested these trees. They have been down since 1990. They are almost just pulpwood now. What could have been logs worth \$800 to \$1,000 per 1,000 is just chips, much of it.

Mr. HERGER. Outrageous. Absolutely outrageous. What would you say the value would have been at that time if we could have moved it at that time approximately?

Mr. MOFFETT. I do not have a calculator in front of me, but whatever \$1,000 at 250,000 feet is. \$250,000.

Mr. HERGER. And one-quarter of that would go to help our schools and our local communities?

Mr. MOFFETT. That is correct.

Mr. HERGER. Thank you very much, Mr. Moffett.

Mr. COOLEY. I want to thank the panel very much for their testimony. You are excused.

The next panel is Ms. Hanus, Dr. Kline and Dr. Palmisano.

Mr. COOLEY. Ann, it is yours.

**STATEMENT OF ANN HANUS, ASSISTANT STATE FORESTER,
OREGON DEPARTMENT OF FORESTRY**

Ms. HANUS. Thank you, Congressman. I appreciate the opportunity to present our views to your task force this morning. I am here representing State Forester Jim Brown and the Oregon Department of Forestry. Also with me is LeRoy Kline, who heads up our Insect and Disease program.

The two themes that I will be focusing on in my testimony relate to Oregon's forest health problems. The first one is that first and foremost, we must ensure that professional foresters have access to all forest management tools in the toolbox to attack the forest health program. This includes stand management activities like pre-commercial and commercial thinning, harvesting where appropriate and the careful use of prescribed fire.

Second, I encourage you to take actions to remove roadblocks to interagency and cross-ownership cooperation. As we look at this, the forest health problem knows no landownership or jurisdictional boundaries, so we really must work together.

When we look at the amount of forests that have been affected, and LeRoy Kline will be going into this a little bit more, it amounts to almost one-quarter of all forest land in Oregon or about 60 percent of northeast Oregon forests. The eastern, central, and southern Oregon forests have been hit especially hard.

The reasons are complex for this. We have seen ecological conditions deteriorate over time. The deterioration is due to the suppression of fire over time, drought, overstocking, having species that are less tolerant of insect and disease and the inability to coordinate management across landownership boundaries.

When we look at the massive outbreaks of western spruce budworm and the mountain pine beetle which have recently peaked out, the resulting dead and dying trees combined with the exclusion of fire have resulted in a situation where we face the potential for unstoppable, catastrophic fire. Many people do not realize that damage from insects and disease annually exceeds the damage caused by wildfire.

Without action, we are going to see our forests continue to die and burn and then will repeat the cycle again. We must look at this as a whole.

We need immediate action now, but we need both short term and long term action. The short term action includes timber salvaging as one of the tools, among others, to correct the solution. But our long term goal must be to rebuild our forests so they will have natural resistance to fire, insect and disease damage and will provide abundant fish and wildlife habitat.

Let me talk about some of our specific recommended actions. They include encouraging salvage of dead timber in an ecologically

sound manner to reduce fire risk, improving forest health and improving timber and other resources.

We need to create and maintain tree species composition and stock levels. We need to review our Federal management laws and determine where management and fuel reduction roadblocks exist so we can remove these roadblocks. We need to clarify the roles of different forest landownerships.

We also need to look at and harmonize the Federal Clean Air, Clean Water, the National Environmental Policy, the National Forest Management and the Federal Land Management and Endangered Species Acts.

We need to look for incentives, not only with regard to the Endangered Species Act, but also to encourage private landowners to be progressive forest stewards. We need to bring together all landowners and managers under the umbrella of ecosystem management, and we need to have a collaborative, problem solving approach to this.

Attached to my testimony is a summary of recommendations from the task force that was commissioned by Governor Kitzhaber to focus on forest health in the Blue Mountains.

The task force recommended active forest management. They emphasized the need for restoration treatments. They talked about using low impact harvesting methods. They discussed impediments to timely action, and they analyzed the economics of salvage. The task force included ten of the top forest and wildlife experts in Oregon.

In summary, we need immediate actions to correct the health of our forests. These actions need to not only include prudent timber salvaging, but also include the other tools in our forest management tool box to correct this situation.

Our forests are not going to be cured overnight. It is going to take a long time to do that, and we need to all work together to accomplish this goal.

Thank you very much.

[The prepared statement of Ms. Hanus can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much.

Dr. Kline.

Mr. KLINE. Mr. Chairman, I would like to show some slides.

Mr. COOLEY. Fine.

Mr. KLINE. We have to take a minute to get them set up.

STATEMENT OF LEROY KLINE, INSECT & DISEASE DIRECTOR, OREGON DEPARTMENT OF FORESTRY

Mr. KLINE. Mr. Chairman and members of the committee, I am LeRoy Kline, Insect & Disease Director for the Oregon Department of Forestry.

I would like to start off by showing you some slides of really what I think has started the forest health problem in the west. It is the dead and dying trees that have been killed by bark beetles and defoliating insects.

[Slide.]

Mr. KLINE. In that stand of timber right there, what we have left is primarily ponderosa pine that has not been killed. The true fir

and the Douglas fir has been killed by bark beetles, defoliators, drought and mistletoe.

[Slide.]

Mr. KLINE. This is a stand of timber up in the Santiam Pass. The only thing left of the conifers in that stand of timber is some non-susceptible sub-Alpine fir trees and some cottonwood trees around the lake.

You will notice the lake is quite low. That was due to the drought that we had. Since the heavy snow pack and the rainfall we have had recently, the lake is beginning to recover, but the trees in the background are not able to recover. They are dead.

[Slide.]

Mr. KLINE. This is some dead timber of grand fir down in a riparian zone that has been killed by the western spruce budworm. This outbreak that we have had in Oregon over the last decade and a half started in 1980 and peaked out about 1994.

It is not the first outbreak we have had. We had them back in the 1950's, the late 1940's and into the 1950's. Those outbreaks then were controlled by DDT. As we started into this outbreak, a lot of things complicated the control of that insect. DDT was not available. It peaked out in Oregon at about 5.6 million acres and is now on the decline.

My concern is that it is going to recycle. Twenty to 30 years from now we are going to have another outbreak of the spruce budworm, and I would like to see us take some efforts now to put us in a better position so that when that outbreak occurs it would not cause the damage that this one has.

[Slide.]

Mr. KLINE. The next couple charts, and you have those attached with my testimony, is the mortality in Douglas fir in the State of Oregon over the last decade. It has pretty well peaked out. It is declining some. A lot of that Douglas fir that has been killed still can be salvaged.

[Slide.]

Mr. KLINE. The next slide I have here is mortality in true fir. That is a different species. A lot of the mortality that was killed there in 1991 is not really salvageable now. It has deteriorated to the point that it is not very useful.

When we talk about salvage, we have to realize what tree species we are talking about. Some of it is going to be available, and some of it is not going to be available from that standpoint.

[Slide.]

Mr. KLINE. This is an aerial shot of bark beetles that are damaging pine trees, lodgepole pine and ponderosa pine.

[Slide.]

Mr. KLINE. The ponderosa pine mortality is shown on the chart there. Again, it is beginning to decline to some degree. A lot of it is because of the drought. It is helping in that we are turning back to normal precipitation.

[Slide.]

Mr. KLINE. The situation with the lodgepole is a little bit different. It declined several years ago. I think it is going to remain that way for the next probably 20 to 30 years, but I think we are setting ourselves up again for a big, massive outbreak, particularly

in northeast Oregon if we do not get in there and manage those stands now.

[Slide.]

Mr. KLINE. This is a map that we put together showing the cumulative mortality of bark beetles in the State of Oregon the last three years. Not all the trees in those black areas are dead. That just shows the general vicinity, but it does show you the distribution of dead trees in the State of Oregon over the last three years. As we complete the survey this year, we will add the 1995 data to that.

It does show you that it is primarily eastern Oregon, the east slopes of the Cascades and down here in southwest Oregon in Josephine and Jackson Counties where we have the biggest problem.

[Slide.]

Mr. KLINE. This is the map on the pine beetle. The point I want to make with these last three maps is that insects move around from year to year.

Here we have the mountain pine beetle causing most of the damage in 1994 around Bend. The fir beetle is primarily in southwest and southern Oregon between Klamath Falls and Lakeview. The Douglas fir beetle primarily in northeast Oregon.

Insects are moving around continually, and we have to take that into consideration as we deal with the problem.

[Slide.]

Mr. KLINE. This is a situation that I say we need to address. We have a lot of dense stands of timber out there that need to be managed. This is what we are up against. This is what we need to do.

We have millions of acres in Oregon and throughout the west that need to be managed. We can do the proper management. The Forest Service has the knowledge and the personnel to do this. We just need the help to have it done.

If we can do that type of thinning and other stand management practices, we can go a long ways in preventing the problems that we have and the need for the salvage.

[Slide.]

Mr. KLINE. The stand in the background you see there is stagnated. It is overstocked. The foreground is a young stand of lodgepole pine. It is going to grow up in about 30 years from now and start becoming susceptible to mountain pine beetle, and then we will have another big outbreak.

We can prevent these problems from happening for the most part if we have active resource management to start with. That is the main point that I would like to make today.

I am not against salvage, but along with salvage we need to take action to prevent the problems from happening in the future because we are always going to be playing catch up, and I do not think that is what we need to do.

Thank you.

[The prepared statement of Mr. Kline can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much.

Dr. Palmisano.

STATEMENT OF JOHN F. PALMISANO, NORTHWEST FOREST RESOURCE COUNCIL

Mr. PALMISANO. Thank you for the opportunity to present testimony. My name is John Palmisano, and I am an independent fisheries scientist from Portland, Oregon. I represent the Northwest Forest Resource Council of Portland, Oregon.

I hold advanced degrees in Fisheries and have over 20 years of professional experience in the northwest as a teacher, researcher and consultant.

In 1993, I co-authored two scientific studies that reviewed the factors which have adversely affected northwest salmon. Since then, I have written several other fisheries reports and visited public forests in Oregon and Washington which have been devastated by disease, insects, and wildfire. Thus, I believe I am qualified to address the fisheries issues that are associated with forest health and timber salvage.

Today, forest health is extremely poor in some of our western public lands. These forests are under tremendous risk of catastrophic wildfire similar to those that destroyed four million acres and took the lives of 33 fire fighters in the western United States during the summer of 1994.

The chronic absence of significant levels of harvest, salvage and fuel reducing activities have contributed to a very dangerous situation, and the problem needs urgent action. Although resource agencies are aware of the situation, no meaningful actions have been taken to lessen the danger.

A U.S. Forest Service official has admitted that forest health issues have not been adequately addressed in recent Federal management programs such as PACFISH, FEMAT and the Inland Native Fish strategy.

Although we associate forest health, wildfire and timber salvage with wildlife resources, these factors also greatly affect stream habitats and salmon. Therefore, the objective of my testimony is to help the task force understand how these issues are associated with fisheries.

Impacts to stream habitats from wildfire have not received the appropriate attention, even though wildfires associated with forest health problems represent the single largest risk to many special status fish populations.

For example, federally endangered populations of Snake River chinook salmon now have a higher risk of extinction because of the excessive sediment loads caused by the catastrophic wildfires of 1994.

Wildfire effects are extremely destructive to riparian habitats. In sharp contrast, timber harvest effects have been greatly minimized by current advances and highly regulated practices. Thus, rather than causing irreparable harm to the environment, salvage logging operations have the potential to prevent such harm by reducing fuel loads and eliminating the risk of catastrophic wildfire.

Equally important, the risk to salmon associated with salvage operations are minor compared to the risk associated with the current threat of wildfire in our public forests. The risk of wildfire will continue to exist if salvage operations are prohibited. By comparison, salvage associated risk can be mitigated.

The potential for catastrophic wildfire in Oregon's eastern and southern forests is now especially high because of recent drought conditions, unnaturally high tree densities, and high fuel loads.

Wildfire adversely affects stream habitats and fish survival by increasing storm runoff, sediment loads, and debris, and by decreasing vegetative cover. These factors destroy fish resources by flooding and scouring streams, bearing, spawning and feeding grounds, as well juvenile fish and fish eggs, clogging or irritating gills, altering water temperatures, and reducing oxygen levels and destroying riparian trees that stabilize stream banks, minimize erosion, shade waters, and provide stream nutrients when alive and then provide in stream habitat after they fall into the stream bed.

Finally, to minimize wildfire risk we recommend that all reasonable efforts be made to reduce present and future fuel loads. Present loads can be reduced by timber salvage operations. However, if other equally effective methods can be identified then they, too, should be used.

Salvage operations should occur immediately before additional wildfires occur and to take advantage of fall and winter field conditions that can minimize impacts.

Future fuel loads can be minimized by allowing foresters to use silvicultural management and harvest techniques that will promote good health in our public forests.

Thank you again for the opportunity to testify.

[The prepared statement of Mr. Palmisano can be found at the end of the hearing.]

Mr. COOLEY. Thank you.

I want to tell you that I appreciate Jim Brown stopping by my office last week. He provided us a lot of information. It was a very brief meeting because I had to vote, but I learned a lot from him.

I want to ask you something here. I am not trying to be political, but it is a fact and so we should talk about the fact.

The Governor Kitzhaber report on June 15 before the new salvage law was even passed states that several impediments prevent timely Federal salvage sales. The report says that the cumbersome, overlapping process to implement the law that governs national forest management and the current complexity in their implementation could unnecessarily slow down salvage and restoration work.

Do you agree or disagree with the Governor's report? Do you really think as a State official working in this area that we have an overriding, cumbersome bureaucracy of the Forest Service and BLM prohibiting good forest management not only at the Federal level, but also implementing it here at the State level?

I know that is a big question to ask, but we are now even starting to hear from States that are, let's say, not too happy with what is going on.

Ms. HANUS. Complex Federal laws make it very difficult for a land manager to sort out exactly what he or she needs to do in managing those forest lands. They are often conflicting.

The report that Governor Kitzhaber commissioned pointed this out. Governor Kitzhaber is very concerned about those conflicting, complex laws, and he has asked the Western Governors Association to come up with a unified position looking at the different overlap-

ping, complex Federal laws such as the National Forest Management Act, the National Environmental Policy Act and the similar Acts governing the BLM. He is going to co-chair this bipartisan effort with Governor Jim Geringer of Wyoming. They have just started this effort in the last month.

Mr. COOLEY. It was our intent in the Public Law that this would facilitate the harmonizing, as you mentioned in your testimony, of all the agencies in order to expedite the process. That is what we are trying to find out.

Is this working? Is it not working? Have you seen any results on the ground level that this is doing anything in your area to help you?

Ms. HANUS. Timber salvaging will overall improve forest health if it is done in a responsible manner.

However, as both LeRoy Kline and I said in our testimony, it is one part of one symptom of the larger problem of forest health. We need to look not only at just using the timber salvaging, but the other methods in trying to achieve over the long term haul.

In other words, salvaging is important and it needs to be done, but it is not the silver bullet that will correct the forest health problem. We need to look at it from a larger perspective.

Mr. COOLEY. Mr. Kline, when we put this legislation together we really did have a lot of input, contrary to what a lot of people on the other side say. We tried to address their concerns.

We were hopeful that when we mandated the Secretaries of Agriculture and Interior to replant after salvage, that they would do so and then forests would return to good health, in order, as you stated in your presentation, that we turn this cycle around.

What is your opinion on that in terms of this legislation? What part of the picture do you think we are still lacking?

Mr. KLINE. Mr. Congressman, it is just not replanting, but we need to then keep those stands managed. It is just like planting carrot seeds. The carrots grow dense, and we need to thin them out if we want to have good carrots.

It is just not replanting that is needed, but it is carrying that stand clear through to some sort of a rotation and have active management through the life of that stand. I think that is the most important thing.

Mr. COOLEY. As an expert in this area, I am going to ask you kind of a pointed question. Why is it not being managed now? What went wrong with our management system that has allowed the condition to develop to what we have today? What is going on out there?

Mr. KLINE. It is really to some degree a lack of management. There are a lot of acres out there that need to be managed, so we have——

Mr. COOLEY. But that is the Forest Service's job.

Mr. KLINE. Yes. They just need the resources to——

Mr. COOLEY. Is what you are saying to me that they are not managing? Is that it?

Mr. KLINE. I would like to see more management. We have a lot of management on the State lands and on private lands, but——

Mr. COOLEY. Mr. Kline (as an expert and member of the State of Oregon's government) are you telling me that they are not managing the forests?

Mr. KLINE. They could do a better job than what they are doing.

Mr. COOLEY. I did not really mean to embarrass you, but the thing is we need to get some hard, concrete answers here.

I am over my time limit, but I want to say two things. We truly want to make this thing work. We want to have good forests. We want to know why we do not.

A lot of us, who are not experts in this area but can see this and have heard from a lot of knowledgeable people such as yourself, tell us the very same thing.

That is what we are trying to get across to the administration and to the agencies that they are not doing their job. That is what we think. I think you just helped me a little bit here today, and I appreciate that.

Dr. Palmisano, you have testified before me before when I was in the State on the Columbia River. I appreciate it. I do not have any more time. I will send you a couple questions in writing. I want to thank you for your time as well.

Mr. PALMISANO. You are welcome.

Mr. COOLEY. Ms. Chenoweth.

Ms. CHENOWETH. Thank you, Mr. Chairman.

Dr. Palmisano, I really found your testimony very, very interesting because in large part my State has been literally paralyzed through the management of the salmon in the Snake River.

Last February 10, we heard testimony from Dr. Kaczynski. He talked about the fact that there was a fire that occurred, the Tanner Gulch fire in the upper Grand Ronde River is 1989.

Mr. PALMISANO. 1989, yes.

Ms. CHENOWETH. He testified that all fish and aquatic life were killed for a 36 mile stretch of the river, including all adults and eggs from the endangered spring chinook salmon population Snake River strain and all chinook from the previous 1988 spawning.

A fisheries biologist estimated that 50 percent of the fingerlings from the 1987 spawning were also killed and all that remained in that stretch of the river.

I was heartsick when I heard that because of the policies that have been implemented in managing for the salmon. They are actually managing the land. This year, not one chinook or not one sock-eye salmon returned to Red Fish Lake.

All of this management for the fish has built bigger agencies, but it has not built a bigger salmon population.

Mr. PALMISANO. That is right.

Ms. CHENOWETH. It is time we wake up and realize that.

Mr. PALMISANO. It makes no sense to list a species and restrict water use and land use activities, and then sit back and allow wildfire to destroy everything.

If people are really interested in resources, then they have to consider all the potential risks, whether they are natural, human-related, or some combination of the two. That is why I support the salvage program.

Ms. CHENOWETH. Can you tell me, Doctor, do you think we really could restore the salmon population, and what percent of impact

does logging have on the health of the salmon population compared to other impacts? What is it that is impacting the salmon population, the decline of the salmon?

Mr. PALMISANO. It is a very complex issue. Today we have a lot of problems with the ocean environment. Since 1975, there has been a major change in ocean currents. That has contributed to the problem.

While logging impacts and mining impacts and other impacts have been pretty severe in the past, in the last couple decades—through regulations—we have minimized these problems.

While on one hand we have minimized our land use and water use problems, we are now not getting good returns from the ocean. Even if the ocean is not productive, we still have to maintain our freshwater habitats so when the ocean does turn around we have a habitat for the fish to reproduce.

It is really difficult to put a percentage basis on logging effects. As far as outright mortality, logging does not cause outright mortality. Logging can potentially decrease habitat stability, but today with the current logging practices acts this is not a problem.

Ms. CHENOWETH. You know, on the plane coming over here from Idaho I picked up one of their company magazines. There was an article in there that one of the timber companies was actually leaving some large logs and boulders and waste from timber salvage or from timber harvesting around the creek because it actually enhanced the cover for the fish.

Mr. PALMISANO. That is right.

Ms. CHENOWETH. How do you feel about that?

Mr. PALMISANO. As I say, salmon have a very complex life history. They need freshwater habitat, they need habitat in the estuaries, and they need habitat in the ocean. We cannot over compensate for the failure that we have in the ocean today by giving more protection in freshwater. We need all three.

I applaud any efforts to improve freshwater habitat, but that is only one-third of the issue. We still have to be concerned about our estuaries, and while we have no control over the ocean, we have to be aware of it and change our management activities during the period when ocean productivity is down.

Anything we can do to help in the freshwater is definitely needed.

Ms. CHENOWETH. I look forward to the day when we can have more control over the commercial fishing by foreign countries out there.

I have seen the commercial fishing industry on the Oregon coast go down. It is a sad thing. It is a loss of part of our culture and heritage up here in the northwest. You know, there is nothing that interrupts the life cycle of a salmon more quickly than the nets or the fish hooks.

Mr. PALMISANO. Yes.

Ms. CHENOWETH. That will do it very quickly.

Thank you all for your very, very interesting testimony. I just wish I had more time to speak with you. I would like to send some written questions to both of you, Dr. Kline and Ms. Hanus. Thank you so much.

Mr. COOLEY. Mr. Herger.

Mr. HERGER. Thank you, Mr. Chairman.

Dr. Palmisano, just to follow up on that, based on your expertise in fisheries and biology, how would you characterize the benefit to our fish and streams if we adhere to the salvage law?

Again, you have just mentioned that only one-third of that has to do with the freshwater, but at least that part that does have to do—

Mr. PALMISANO. That is right. As far as reducing the threat of wildfire, I think there is no way to measure that. It is extremely important. The examples were already brought up both in Idaho and in Oregon showing how wildfires can devastate fishery resources.

With the current practice, I know Oregon has forest practices Acts, as does California, Washington, Idaho. There are regulations to permit the salvage to occur in a way that minimizes impact. As I stated in my testimony, if the salvage occurs during winter months, this in itself will even further reduce any type of risk associated with the salvage activities.

Also as I said, while we cannot do much about wildfire except removing the fuel levels, there are a lot of things we can do to mitigate potential impacts from the salvage activities. It is a very manageable operation, and the benefits are tremendous to salmon and their habitat.

Mr. HERGER. Thank you. I believe that is a very important point, the great benefit it will have to our fish populations if we can manage that and help prevent these fires before they begin.

Dr. Kline, do you feel, in your opinion, that a new Federal salvage authority, if properly utilized, gives the Federal land managers a chance to use their best judgment to respond on the particularly hard hit Federal lands?

Mr. KLINE. From what knowledge I have of it, I think so. I do not see any reason why it should not.

I would just like to re-emphasize, though, that if we are looking at the long term forest health problem that salvage is only one piece of that. I would like to see us getting into a mode of restoration forestry and get into keeping the remaining green trees healthy so we are not into that State all the time.

Mr. HERGER. I am very pleased to hear you state that, as have you, Ms. Hanus, the part that this is only part of the picture. Of course, all we are dealing with now is the ramifications of some seven out of ten years of very severe drought.

I think the point you are making is one that cannot be made strongly enough. This has to only be part of a big picture of a forest health plan. We have to do something to go in and begin thinning out our forests.

As you know so well, we have prevented forest fires since the mid 1850's, and we have these forests that are incredibly dense and not at all like they were historically. We need to begin to get back to managing these forests to begin to put them back into the type of condition they were before. I appreciate that.

Again, I guess the question to anyone who feels they might want to answer it is the purpose of this legislation was to allow the Forest Service the ability to use some common sense expertise that

they have and have the parameters to be able to do that again within this window of opportunity, this 18 months.

The purpose of this hearing today is to see whether or not, number one, we can do it. I believe the legislation is very clear that we can. The big question is are we.

I have no further questions unless anyone would like to respond to that.

Mr. PALMISANO. I do not want to respond to that, but could I say one other thing?

Mr. HERGER. Certainly.

Mr. PALMISANO. I think everyone here is extremely concerned about our natural resources. So far, no one has mentioned human loss. If we have wildfires again, besides losing our resources and even private property, there would be a tremendous risk for the loss of human life.

I think that is something that should be considered in this type of salvage program because by salvaging this material, you reduce the effect of having people being killed later on fighting these fires.

Mr. HERGER. I appreciate that point. As a matter of fact, in 1994, 33 brave fire fighters lost their lives just fighting these fires. That is a very good point. Thank you.

Mr. COOLEY. I want to thank the panel for their testimony. We appreciate it. We will send you some written questions, if you do not mind.

Thank you. You are excused.

The next panel is Panel IV, Andy Kerr. Apparently he did not make it.

We will go right on to Panel V, Messrs. Ellingson, Huntley, Young, McKinley and Mickey.

Mr. COOLEY. It is your time, Rob.

STATEMENT OF ROBERT P. ELLINGSON, III, PRESIDENT, ELLINGSON LUMBER COMPANY AND INDEPENDENT FOREST PRODUCTS ASSOCIATION

Mr. ELLINGSON. Thank you, Chairman Cooley, for holding this hearing. My name is Robert P. Ellingson. I am president of the Ellingson Lumber Company in Baker City, Oregon.

Our company has been in business for over 100 years, first in Wisconsin and then Klamath Falls and for the last 47 years in the Baker County area. We currently employ 152 men and women and purchase 90 percent of the timber we need off of the Federal forests in eastern Oregon and southwestern Idaho. We harvest 50 million feet of timber per year to survive.

You asked if the emergency salvage program is working in eastern Oregon. As far as I am concerned, it has not, it is not, and it probably will not.

I have a chart that shows the three main national forests upon which our company relies, the Malheur, Umatilla and the Wallowa-Whitman. The blue denotes spruce budworm, the yellow is the fir bark beetle, and red is mountain pine beetle infestations in 1991 and 1992. I am sorry that the outline of the forest is not more prevalent on there, but by and large it covers it all.

The Federal managers—the Forest Service, EPA, National Marine Fisheries, BLM, U.S. Fish & Wildlife Service—as far as we are

concerned should be judged by their performance. If this dream team cannot get the job done, you should find someone who can.

The current managers have not kept their public trust in eastern Oregon. In April, they estimated 1.6 billion board feet of dead timber in eroded areas of Region 6 was economically feasible to operate. By August, the planned harvest level for 1996 and 1997 was down to 1.1 billion board feet. That means 38 percent of the merchantable dead timber will be left to rot, and millions of dollars in revenue will be foregone.

Your options are limited. Either tie all of the funding for the dream team to the implementation of the emergency salvage program or find managers that can do the job. Do not forget, you also directed them to sell a green timber sale program. Our mills cannot survive on dead wood alone.

If you keep the present management, three fundamental changes must be made. You cannot downsize a dysfunctional organization unless fundamental structural changes are made. Four levels of overhead is an impossible working arrangements.

On the ground management occurs at the district level, and that is where the attention should be focused. My first step would be to eliminate the regional offices, and I would work real hard on the Supervisor's office.

Second, do not saddle new managers with the same laws and regulations and expect them to do any better than the current managers.

Third, land managers, not attorneys, must be free to make the decisions. As it stands now, lawyers are making the decisions, and the land suffers as a result.

In 1994, 4.3 billion board feet of logs were harvested in Oregon from all sources indicated on my two charts. We used to consistently harvest in excess of seven billion board feet annually. If you will note on the right-hand side of those charts, the Forest Service is the red. You can see the line indicating the activity that has taken place.

On the east side, the Forest Service was the timber sale program. It is ironic that a company like ours, which has survived two world wars, the Great Depression and countless cycles of down lumber markets, could go out of business when there is an ocean of dead timber less than ten miles away from my mill.

The forests and the communities in our area are in cardiac arrest. Right now companies like mine will not survive long enough to see the arrival of the medical team.

The Forest Service says they would love to go out and sell timber, but they cannot because Congress passed all these laws. At the end of the year, I guarantee they will have failed to meet your targets. The laws have not changed since 1976, but their regulations and their attitudes have. There is no incentive to accomplish anything, and in addition there is no accountability. If nothing happens, nobody cares.

Recently in our area we have had seven timber sales that have failed to attract even one bid. Did anyone from the Forest Service call us to see why we had not bid? No. Did we offer suggestions during the planning of some of these sales? Yes. Did they heed our advice? No. Did the sale sell? No. In one instance, we talked to the

planner in the district, as well as the timber staff officer and the contracting officer. Nobody listens.

In a county of 15,000 people, our company provides 152 men and women with jobs, a \$5 million payroll, health insurance and a pension plan. In addition, we spend another \$2 million in a two county area for services and supplies. Who will replace these moneys?

I can tell you that question is going to be at the forefront of everyone's mind because today I am going home and signing 152 plant closure notices. We hope that it is not permanent, but the situation looks pretty bleak.

I have a concern that the administration is very vindictive and will make every attempt to hinder any salvage operations or green timber sales. The administration is full of individuals in critical elected and appointed positions who are unqualified to make the decisions being asked of them. The Vice-President of the United States and the Chief of the Forest Service are at the top of my list.

I heard a rumor recently that Tom Tuckman was being considered as the new supervisor for Region 6 to replace John Lowe. Other than being laughable, that borders on lunacy.

The forest health problem is not limited to eastern Oregon. Time is rapidly running out to save the forests before all of the mills in eastern Oregon, as well as the rest of the west, are closed. I trust you will do something to correct this situation and save our jobs, as well as your way of life.

I thank you for the opportunity to speak here today. If you have any questions, I would be glad to address them.

[The prepared statement of Mr. Ellingson can be found at the end of the hearing.]

Mr. COOLEY. Thank you.

Mr. Huntley, it is your time.

STATEMENT OF TRAVIS HUNTLEY, MEDITE CORPORATION

Mr. HUNTLEY. My name is Travis Huntley, and I would like to thank the Task Force on Salvage and Forest Health and in particular Congressman Wes Cooley for inviting me to this hearing to give testimony.

I am now employed by Medite Corporation and was hired to replace their current timber manager, who will be retiring this coming year. Medite Corporation has 349 employees in the Rogue Valley, and the success or the failure of the salvage legislation is of grave concern to our company and our employees.

Until recently, I was employed by and a partner in Snow Mountain Pine, Ltd., in Hines, Oregon. Our mill was purchased by 36 individual investors in 1989. We operated our mill successfully until February of this year when our mill was forced to close permanently. Our closure put 178 well paid and well educated and motivated employees and their families on unemployment or on welfare.

If you live in Harney County where Hines is, you know you cannot stay there and find another job that pays an equivalent wage. Harney County is the most sparsely populated county in Oregon. There just are not any other jobs to go to.

What are your options in today's anti-business climate? You either move to another job, or you find one in your field if you are

fortunate, or you get retrained to do something else. Either way, you move and disrupt your family and your own life.

The many mill closures that have happened in the past five years is truly an American tragedy. Eastern Oregon is literally a sea of dead and dying timber, and at the same time the list of mills that have closed is growing long.

What really upset our employees and the people in Harney County was that the Forest Service flatly refused to sell any salvage timber. They knew the consequences of refusing, but they were just not inclined to do so.

Our situation was similar to a family sitting down at a Thanksgiving table chucked full of food and being told that we would have to starve because the food must be left to rot.

It seems to me that too many irresponsible decisions such as those being made by the Forest Service that ran our mill out of logs and out of business are being made today by mid level bureaucrats who have no stake in our communities' well being.

I even had one forest supervisor deny that there was a health problem on his forest. At a public meeting he told me to show him where any mortality problems were on a map, and they would be taken care of. We showed him, but nothing happened, of course, although he was promoted to a position back east. My guess is that it was his reward for doing nothing.

Why did we purchase Snow Mountain Pine back in 1989? For various reasons, the mill was for sale. The location was a good one with no mills to the south to contend with. The Forest Service had consistently sold a fairly regular supply of green timber sales, and their forest plans had been worked on for ten to 15 years and were in the final stages of completion. The Forest Service said that they would sell a fairly constant annual amount of logs from the two districts adjacent to our mill.

Our partners and the banks felt like the purchase was a good one. Well, you do not need to ask any of us if under the same circumstances we would make the same decisions again. I personally lost a lifetime of savings.

I often wonder what bureaucrats and government employees think it is that made our country and our society great. Simply put, it is capitalism. Without capitalism and a good work ethic, we would be no better off than the eastern European countries that are struggling to survive socialism.

History does not need to repeat itself with more mill closures and more families being disrupted and torn apart for lack of timber and jobs. If the Federal agencies responsible for managing our public lands would just take the position to manage our lands, to thin millions of acres of overstocked stands and to salvage dead and dying timber before it burns up, but the agencies just have not learned.

I have yet to see any additional salvage sales prepared or sold as a result of the Rescissions Bill. In fact, in the last two months in our operating area around Medford, nine regularly scheduled Forest Service and BLM sales have gone to auction without any bids on them.

You have to ask yourself, why would these agencies try to sell sales that have a negative value to the wood products industry? Be-

cause now they can tell you that they tried to sell some timber sales, but nobody bid on them.

There is absolutely no accountability within the Forest Service and very little within the BLM. If a district is budgeted to sell 20, 30 or 40 million feet and nothing sells, no one is held accountable. The lack of accountability has to stop. Certain feet need to be held to the fire.

I would like to leave this task force with one last observation. The conditions here in southern Oregon are exactly like the conditions that existed on the east side one decade ago. Our stands are badly overstocked, and insect activity is appearing in concentrations everywhere, but the agencies do not appear to be excited. I think they are just not inclined to do anything about it.

I would like to bring to your attention the fact that in the last six years, Medite Corporation has been forced to close three processing facilities in the Rogue Valley. The cost to our community was 749 jobs, with an annual payroll of over \$16 million.

You need to see to it that this intolerable situation is brought to an end.

[The prepared statement of Mr. Huntley can be found at the end of the hearing.]

Mr. COOLEY. Thank you, Mr. Huntley.

Mr. Young.

STATEMENT OF TED YOUNG, CORPORATE ADMINISTRATIVE FORESTER, CROWN PACIFIC LIMITED PARTNERSHIP

Mr. YOUNG. Chairman Cooley, thank you also for bringing your hearings to our community. I think that is where the action is. By your leave, I think I will depart from my prepared testimony and just make a few brief remarks.

I believe your amendment, though badly needed as has been expressed by others, is going to be somewhat futile. It is an effort to start something which needs to be started, but as one of your colleagues remarked last evening, it is like trying to turn a battleship. It does not happen now, and it takes a long, long time to get the action started. This is merely the beginning of the action.

I believe that my position on this panel is as the elder statesman because I have been around the woods long enough to have seen things before we had a National Forest Management Act and before the lawyers and the Judges started to make forest management decisions.

I testify in my prepared testimony that the private lands in comparison existed the same as the national forest lands did prior to the changes in management activity. They are out there for anyone who wants to observe to see that the situation that exists in the national forests need not have occurred.

The private lands that were managed somewhat in the form that Dr. Kline recommends and hopes that we return to with control of stocking and selection of trees with vigorous growing opportunities would not allow themselves to get or allow the stands to get in the condition that calls for the kind of drastic activity that your amendment is directing the Forest Service take now.

We would hope to have maintained a healthy community rather than allow the situation to occur which we are trying to correct

pretty much after the horse has left the barn. It is a shame that it has gotten this far.

The other significant point I think I make in my testimony and the other point which I think Ms. Kupillas made which I would like to repeat which is included in my testimony is the concern of private neighbors that the public forests have.

Whether it is insects or fire, damaging infestations or damaging agents that begin in the improperly managed or the dangerous adjoining public lands to our private forests, this becomes a real concern to we who neighbor those public lands for fear that the money that we would spend in trying to take care of our forests properly is going to be lost relative to damage that occurs from our neighbor, Uncle Sam.

[The prepared statement of Mr. Young can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much, Ted.

Russ McKinley.

STATEMENT OF RUSSELL MCKINLEY, WESTERN OREGON TIMBERLANDS MANAGER, BOISE CASCADE CORPORATION

Mr. MCKINLEY. Good morning. My name is Russ McKinley, and I am the Western Oregon Timberlands Manager for Boise Cascade. I live in the Medford area, and I appreciate the opportunity to testify with you and would like to thank the task force for its careful supervision of the implementation of the Emergency Timber Salvage Amendment.

Boise Cascade's southern Oregon operations employ more than 1,100 people directly and is one of the Rogue Valley's largest employers. We source raw material for four manufacturing facilities, and our fifth is a laminated veneer lumber plant which produces value added products such as I-joists and beams.

Though Boise Cascade owns a significant amount of private timberland, the majority of the wood we purchased from other landowners prior to 1990 was about half purchased from the Federal Government.

One of the last major salvage efforts in southern Oregon took place following the Silver Fire in 1987 in the Siskiyou National Forest. The Silver Fire burned about 95,000 acres, of which more than half burned in the Kalmiopsis Wilderness Area where no timber was salvaged.

The Forest Service's Silver Fire recovery project was implemented expeditiously before significant deterioration occurred. One hundred and fifty-seven million board feet of the 262 million board feet killed by the fire were salvaged.

In the Final Environmental Impact Statement, the Forest Service concluded the alternative selected, one of the higher timber alternatives, would pose risk to soil, future site productivity, water, fisheries and wildlife habitat.

The effects of timber harvest have been monitored since then, and the results of this monitoring have been compiled by the Environmental Protection Agency and the Siskiyou National Forest. Though I was unable to obtain a copy of this draft report, the executive of the Southern Oregon Timber Industries Association spoke

with a number of Forest Service personnel about the report's conclusions.

The document concludes that the environmental effects of the Silver Fire harvest did not approach the moderate risk assessments expected in the Environmental Impact Statement. In most cases, the effects of timber harvesting were dramatically below the impacts anticipated. The report reveals that fire and the associated salvage and rehabilitation efforts had positive effects in several instances.

According to the 1990 Wildlife and Recovery Monitoring Report on the Silver Fire, sampling indicated that all streams in the recovery area were in excellent to good condition; both major drainages where the fire burned were healthy; management activities did not have detrimental effects on fish habitat and populations.

There were significantly higher numbers of wildlife reserve trees per acre than had been prescribed by the Environmental Impact Statement; ground disturbance was minimized from cable logging and the effective stream shade canopy was maintained; and no long term or irreversible damage occurred due to cable logging operations.

These are just a handful of the early monitoring efforts on the Silver Fire recovery project. They have done equally well in the Lone Pine Fire salvage on the Winema, and the BLM also completed salvage to their lands during the 1987 fires.

We as a company learned a lot during those times. We installed a lathe at White City. We learned how to peel burned pine and put it in the interior of plywood. We learned how to use the stained logs that occurred when the pine was burned. We adapted, and I think that is one of the strong points of our industry. We can adapt to whatever is sold.

The point of this history is that the Federal land managers have the ability to implement salvage efforts expeditiously and efficiently and do so in a manner that does not produce significant environmental effects. This is not conjecture or a reading of tea leaves. It is fact. The data exist to support such a statement. I would encourage you to contact them.

Even in areas available for timber production, salvage plans require extensive analysis and are slow in being implemented. Salvage sales offered by the agencies in the last few months have been extremely conservative in the amount of timber marked to remove, and in some cases the sales have been so conservative they were not economical and drew no bidders.

Though the agencies are responsible for offering salvage sales, we believe the ultimate responsibility lies with the administration for whom the Federal land management agencies work. It appears the agencies are not being given clear direction about salvage implementation or the freedom to make reasonable, site specific decisions. Fear of lawsuits results in many good projects being abandoned.

Logging costs of salvage and green sales are a major concern to the forest products industry. The agencies are often automatically deferring to helicopter logging without considering the appropriateness or necessity for this system.

Helicopter logging has been proposed on flat ground that could be mechanically logged with minimal impacts. It has also been proposed in areas with extensive roading. It appears helicopter logging is selected because fewer questions and issues need to be analyzed.

Helicopter logging makes a lot of sense in inaccessible and sensitive areas, as well as salvage, provided a realistic amount of timber has been marked for removal. Increasingly, we are seeing sales such as the Hull Mountain Fire salvage in which many of the trees marked for removal were small and scattered.

The contract required helicopter logging, and the flight distance between the unit and landing was nearly two miles. What made this sale particularly frustrating was that the helicopters had to fly over existing roads which Boise Cascade had used the previous fall to salvage log our private land that had been completely burned up in this fire.

The sale received no bids on the first offering, but the BLM reduced the appraisal, and Boise Cascade negotiated helicopter landings with private landowners closer to the units. We purchased the sale the second time it was offered.

We appreciate the wood—do not misunderstand us—but had other logging systems been used, the counties would have received much more revenue from the government for their services, and the environmental tradeoffs would have been negligible.

So far, land management agencies have not been able to clearly distinguish the environmental tradeoffs of conventional logging versus helicopter logging systems. Although there is a huge amount of work available for helicopter companies, they are equally frustrated because much of it is not viable operationally or economically.

It is obvious that the agency personnel do not understand sale design and practical economic considerations for helicopters. Reductions in personnel, exacerbated by early retirements, have left the agencies with considerably less knowledge and experience in many disciplines, logging systems being just one.

If you have questions about helicopter logging, I would suggest you direct them to Steve Martin at the Aerial Forest Management Foundation, who is here today.

There are many things I could share with you today, but I will summarize what I believe is the essence of the implementation of an expeditious timber salvage program.

As a result of putting fires out for decades, there are more trees per acre growing on the landscape than ever before, but the Federal forest lands are literally choked with wood fiber. These forests are growing and dying.

Overly dense forests with extensive mortality do not provide high quality wildlife habitat. Overly dense forests with extensive mortality pose huge risks for additional losses to drought, disease, insects and catastrophic fire.

We have the knowledge and technology to implement a salvage program without significant environmental effects and a program that is economically viable. The industry has the ability to process a whole range of diameters and species and qualities of material. Log values are such that many economical options exist.

Our logging contractors can and will do whatever the agency personnel specify. They truly want to contribute, but often they are ei-

ther not consulted for input, or their input is not used in project planning.

I guess I am out of time, but that establishes the essence of my comments. Thank you.

[The prepared statement of Mr. McKinley can be found at the end of the hearing.]

Mr. COOLEY. Thank you very much.

Mr. Mickey, it is your time.

**STATEMENT OF ROSS MICKEY, WESTERN OREGON MANAGER,
NORTHWEST FORESTRY ASSOCIATION AND WILDLIFE
STAFF, NORTHWEST FOREST RESOURCE COUNCIL**

Mr. MICKEY. Mr. Chairman and members of the committee, my name is Ross Mickey, and I am the Western Oregon Manager of the Northwest Forestry Association, as well as the Wildlife Staff for the Northwest Forest Resource Council.

I send Jim's regards. Jim Geisinger was supposed to be here today. His mother went into a coma, and he felt it was more important for him to support his family and his father in this trying time than to come here.

Mr. COOLEY. We understand.

Mr. MICKEY. NFA is an industry trade association comprised of approximately 85 manufacturers of forest products and owners of forest lands in Oregon and Washington. The interest that all our members share is the prudent management of the region's forest resource.

Our members depend directly on the Pacific Northwest forests for the supply of fiber to run their lumber, plywood and pulp and paper manufacturing facilities. We represent a broad cross section of the industry ranging from small, family owned mills to larger, publicly held and integrated forest products concerns.

The NFA is one of a dozen associations with similar goals that comprise a coalition known as the Northwest Forest Resource Council. I wish to submit my testimony today on behalf of the Northwest Forest Resource Council.

My role on this panel is to describe the blatant attempts of the Clinton administration to undermine and circumvent the intent of Section 2001 of the 1995 Rescissions Bill, the Emergency Salvage Timber Sale Program, and to comment on the numerous legal and procedural obstacles to seriously addressing forest health concerns that made this amendment necessary.

President Clinton signed the Rescissions Bill on July 27, 1995, that included the Emergency Salvage Timber Sale Program Amendment. The bill itself, accompanying report language and the legislative history of his provision clearly documents the intent of you and the rest of Congress to recognize a serious forest health crisis and to authorize land management agencies to take extraordinary actions to address the crisis with an aggressive program for salvaging dead and dying timber.

Included in the provision is authority to streamline and expedite the procedural requirements of the National Environmental Policy Act, the National Forest Management Act, the Federal Land Policy and Management Act and the Endangered Species Act.

History has proven that these laws are not functioning in concert as Congress intended. Given the intricate web of legal and procedural rules and regulations imposed collectively by these statutes, it has become very apparent that comprehensive compliance with the letter of the law as interpreted by our court system is all but impossible for Federal land management agencies.

Clearly, the intent of the Emergency Salvage Timber Sale Program was to provide flexibility and relief from many of the onerous, time consuming and conflicting requirements of these laws. The intent was for land management agencies to address an unprecedented forest health crisis with an unprecedented aggressive salvage program. This intent has been completely ignored by the Clinton administration.

On August 10, 1995, the Clinton administration produced a Memorandum of Agreement between the Secretaries of Agriculture, Interior and Commerce and the Administrator of the Environmental Protection Agency establishing procedures for implementing the Salvage Amendment.

While the MOA has been characterized as codifying the status quo of business as usual attitude, it is in reality a much farther reaching document. A careful reading of the memorandum exposes the imposition of new procedures, additional requirements and more bureaucratic process.

For example, it requires interagency participation and coordination from the very beginning of the timber sale planning, including timber sale layout.

While one could certainly argue about what expertise of the Environmental Protection Agency brings to timber sale planning in the field, the larger issue is the time requirements necessary to comply with the letter of the MOA and the higher probability of bureaucratic gridlock caused by the involvement of a half a dozen agencies to do the work that used to be done by one.

The intent of the Salvage Amendment was to expedite such procedures, not lengthen them and add to the complexity of implementing the project at the ground level.

Clearly, the business as usual attitude and the absence of any recognition of Congress' expectations inherent in the MOA has been effectively communicated to the field. The Clinton administration has instructed the national forests to continue to prepare salvage sales at a snail's pace as if Congress had never considered the Emergency Salvage Timber Sale Program.

If this emergency provision is to deliver on the expectations of Congress, it will clearly require the constant oversight of this task force, if not the re-legislation of the provision. Left on its own, this administration appears content to ignore the latitude provided by the law.

The legal sufficiency provision included in the amendment has been subject to intense criticism from the environmental community. They have coined the accusation of logging without laws. Well, the last time I checked, Section 2001 of the 1995 Rescissions Bill was the law.

Congress' job is to make new laws and change ones that do not work. That is exactly what it did with the Emergency Salvage Timber Sale Program Amendment. Congress has given the land man-

agement agencies a new set of rules to play by for an interim period to address an unusual situation.

Congress modifies existing laws almost on a daily basis. When a new law modifies an old law, does that make the new law illegal? I do not believe so, but this is exactly the way the Salvage Amendment is being portrayed by some special interest groups.

The real effect of the legal sufficiency language is to prevent the obstruction of a desperately needed program to reduce fuel loads, thin overcrowded stands of timber, to fireproof the forest and restore the forests to a condition where naturally occurring management techniques like controlled burning can be used.

The net benefit of these activities will be the restoration of healthy forests where insects and disease presence are brought back to endemic rather than epidemic levels, the protection of a rapidly expanding presence of people in the urban/rural interface, the protection of fish and wildlife habitat and the protection of billions of dollars worth of our forest resources.

There is nothing in the bill nor have the agencies done anything in the field to warrant the accusations that this amendment opens the Federal lands to uncontrolled logging. Timber sale contracts must still be adhered to, agency contract administrators will still inspect timber sale operations and violations of the contract will result in reprimands to the contract holder.

What will be prevented is the use of lawsuits citing procedural violations of antiquated laws that have been proven not to work on a cohesive and compatible manner Congress envisioned.

With the grace of the panel, I would like to cite a few more things about what the administration has done. One more minute?

The Clinton administration's most blatant use of subterfuge to undermine the intent of Congress is the attempt to misinterpret Section 2001(k) of the Rescissions Bill.

The statute clearly states that all timber sales that had been offered for sale to the date of the enactment of legislation within the geographical boundaries subject to Section 318 of the 1990 Appropriations Bill are to be awarded and released to be operated.

Section 318 of the fiscal year 1990 Appropriations Bill applied to forest lands in Oregon and Washington. The only sales that are exempt are those where threatened bird species are known to be nesting.

As you know, the Clinton administration has forced the timber industry to go to court to try to do two things: One, expand the boundaries behind just those sales that were sold in 1990 on the west side under the original sufficiency language; and, two, to clarify the intent of Congress in terms of known to be nesting.

We feel it is absolutely dishonest of the administration to say that they thought that occupancy was to be used in this regard rather than the Fish & Wildlife Service occupied definition. There will be a hearing next week on the 7th. We will be hearing from Judge Hogan, and hopefully this issue will be decided.

In summary, history will show that passing of this much needed and historic legislation was the easy part of the beginning of the restoration of the northwest forests. The much harder part clearly will be to get the Clinton administration to accept the fact that Congress has passed a new law and get on with implementing it.

We appreciate the tenacity of this task force in providing oversight for the implementation of the Salvage Amendment. We hope that our testimony today will be useful in helping to correct the problems associated with implementation and to get fiber moving and restore forest health.

[The statement submitted by Mr. Mickey is written by Mr. Jim Geisinger, president, Northwest Forestry Association and can be found at the end of the hearing.]

Mr. COOLEY. Thank you, Mr. Mickey.

Rob, I appreciate your frustration in this process, but would you explain something to me? In your testimony you talked about discussing salvage with the local forestry people and their disregard for it. Could you go through that little scenario for me again and for the record?

Mr. ELLINGSON. I will use as an example a recent salvage sale that contained three—there was BLM, Malheur National Forest and Wallowa-Whitman National Forest lands included in one fire. We made comments in particular on the Wallowa-Whitman portion of that.

As I said, we talked to different people on that sale. We made a real effort, my logging staff. My forestry staff made a concerted effort to be involved in the planning on that sale to insure or to hopefully insure that it would be put up in a reasonable manner that would be economically feasible to operate.

You know the results. You know they did not listen. The sale did not sell.

Mr. COOLEY. Explain what you mean by they did not listen.

Mr. ELLINGSON. They did not take our advice or our suggestions as far as ways they could improve the sale. Similar to Mr. McKinley's comments, the landings were no good. We suggested moving the landings.

They wanted to sell the sale on a lump sum basis. In other words, normally you buy timber on a scale basis. In other words, you pay for what you bring off of a timber sale on a per 1,000 basis. On these salvage sales, they wanted to put them up in a lump sum. They tell you there is six million feet on this salvage sale. Maybe there is, and maybe there is not. Nevertheless, you pay for six million feet whether you get it or not, and you pay for it up front.

Mr. COOLEY. Is that different from past practices?

Mr. ELLINGSON. Yes, it is.

Mr. COOLEY. So this is another procedure that you never went through before?

Mr. ELLINGSON. Well, it is a procedure that if the cruise is accurate, it is acceptable.

On these salvage sales, as far as we were concerned, they cruised them in August of 1994 and sold them in August of 1995. They did not allow for the deterioration that was going to take place in that year's time. They did not allow adequately for the deterioration. Basically they were selling, as far as we were concerned, volume that was not there.

Mr. COOLEY. Was this a roaded area?

Mr. ELLINGSON. Yes, it was, but it was going to be helicoptered anyway.

Mr. COOLEY. Let me ask you one other thing. As we have seen and heard in other testimony in other places many times before from knowledgeable people in the industry, the Forest Services went back and re-evaluated their situation, and eventually the sale has been made.

Was there ever any attempt in your area where you went back and said nobody is going to bid on it, and, therefore, the Forest Service just walked away, or did they come back and say we want to re-evaluate this or do something in order to get this dead and dying out of there?

Mr. ELLINGSON. Only in one instance have they come to us and asked us for suggestions, and that was in the sale that we are talking about when it did not sell the first time. It is the most recent one.

They came back, and I think there was a letter from David Hessel in the Washington office that directed down to the region and the supervisor's offices to get with the industry and see where your problems are.

I can tell you that the cost collection process that they used to go through, as far as I am concerned—

Mr. COOLEY. What was the term, cost collection?

Mr. ELLINGSON. Yes. Let me describe that.

Mr. COOLEY. OK.

Mr. ELLINGSON. In other words, it assists the Forest Service in keeping track of the cost of doing a timber sale as far as operating it are concerned—the falling, the bucking, the skidding, the hauling and whatever else.

They used to go through a cost collection process, and they would meet with industry and say OK, how are things going? What are your costs? What are the inflationary factors or whatever? To my knowledge, that is not done any more.

As an example, you know, they will allow \$180 for helicopter logging, and net scale costs today might be \$320. Their costs in different instances are way out of line, which then when they prepare a timber sale it is not feasible to offer it because they do not allow enough money to do it.

Mr. COOLEY. I guess this is the kind of question I probably should not be asking, but do you see anything that leads you to believe that the U.S. Forest Service or Bureau of Land Management in your area intend to do anything at all, or is this just a lot of words and no action?

Mr. ELLINGSON. Well, they have their directions. I think that they will try to do something, but they still are hampered by overlapping regulation, much of which has been—

Mr. COOLEY. In Public Law 104-19, 145 days is the maximum time. They should be doing this in 45 to 90 days. That is why we are having these hearings. It has been since July, and we are seeing very little activity. That is why we are here. Do you see any breakthrough on this?

Mr. ELLINGSON. I do not think so.

Mr. COOLEY. Thank you very much.

My time has run out. I am sorry, gentlemen. I will send questions. We have to shut this down. We have people catching airplanes, so we have to get the next group on.

Ms. Chenoweth.

Ms. CHENOWETH. Thank you, Mr. Chairman.

Mr. Ellingson, I was fascinated with your testimony.

Mr. ELLINGSON. Thank you.

Ms. CHENOWETH. You are right to the point. You indicated on Page 4 of your testimony that there are three very fundamental changes that need to be put together.

First you said you simply cannot downsize a dysfunctional organization without making structural changes and expect it to work any better than when you began. Are you referring here to the Forest Service?

Mr. ELLINGSON. Yes.

Ms. CHENOWETH. I assumed you were. You know, I had thought recently, too, that the Forest Service might be too broken to fix. Do you think it is? Do you think we can fix it?

Mr. ELLINGSON. I am not sure how to answer that. I think that it is a very large and very—it is just oversized. I guess I would have to say that I do not know if it is too broken to fix, but they have three times as many people today as they did 15 years ago, and we are getting less done.

As I said in my testimony, you start at the Washington office, you go to the regional office, you go to the supervisor's office, and you go to the district offices. You get lost in the shuffle there.

I call the regional office, and I get these ho-hum answers. I am tired of that. If I do not get an answer, then I do not need the guy around.

Ms. CHENOWETH. You mention that we need to find new managers and rework the legal and regulatory underpinning. Free the managers of the cowardly lawyers in the Office of General Counsel.

I think one of the most frustrating things that we all have to deal with is the fact that you can file for a motion for temporary restraining order or injunctive relief with just a postage stamp.

One of my frustrations has been that through the Administrative Procedures Act or even just the attitudes of the Federal Judges we will see Federal Judges giving deference to the Federal agencies in their decisions. The Federal Judges over and over again will say that they assume that it is correct; that the decision that the Federal agencies made was right because the Federal agency made it.

You know, the people in the last election dealt with the fact that congressmen should have limited terms. Congressman Frank Riggs and I are putting a bill together to limit terms of Federal Judges, too.

You know, one of the things is that in your company, your company has a mission, does it not?

Mr. ELLINGSON. Yes, it does.

Ms. CHENOWETH. Who forms the mission? Who is it that lays the vision out there for all of you on the ground to follow?

Mr. ELLINGSON. My staff and I.

Ms. CHENOWETH. Yes, and the board of the company and then your staff as it moves out into the districts.

Your know, Congress has formed the mission for the Forest Service. They keep reforming the mission as they implement rules and regulations. I just went back here in the law book to the Resource Planning Act that was passed in 1978.

You mentioned in your testimony, and you really got me thinking here, on Page 7 that many times I hear my friends in the Forest Service say that, "They would love to address the forest health problems and sell green timber, but they cannot because Congress passed all these laws."

Back in 1978, Mr. Chairman, we passed a law in the Congress that said nothing in Subsection A or nothing in this chapter shall prohibit the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, wind throw or other catastrophe or which are in imminent danger from insect or disease attack. That is in Section 13 of the Resource Planning Act and Forest Management Act as amended.

Now we pass the Timber Salvage Act, and they still say that we have not made ourselves clear. I think we have made ourselves perfectly clear, do you not?

Mr. COOLEY. I agree.

Ms. CHENOWETH. Thank you, all of you, for your excellent testimony.

Mr. COOLEY. Mr. Herger.

Mr. HERGER. Thank you, Mr. Chairman.

Mr. Young, you mentioned that you have been in the business for quite some time. You also mentioned I believe in your testimony something that was intriguing to me that I would like to have you maybe explain a little bit more if you would, and that was, if I recall correctly, that you felt that this situation, and I assume you meant the situation of the deterioration of our forests and our dead and dying, need not have occurred. Can you explain what you meant by that?

Mr. YOUNG. I believe so. In my early career, I would say through the 1960's, the Federal forest managers had rather a general prescription probably codified, if anything, in the Multiple Use Sustained Yield Act.

Within that general prescription of managing the resources at the district level, they were pretty free to exercise their professional judgment and make determinations and proceed within legislative procedures to take action as the circumstances dictated, whether it was salvaging timber or fencing areas or closing streams to fishing or doing whatever it might be in conjunction with State agencies or other Federal agencies or whatever it might be.

When the controversy arose and we started getting much, much more specific legislative direction, people who quarreled with specific actions on specific Forest Service districts, legal actions, then we found forest managers beginning to rather than take the bull by the horns and just observing that something needed to be done and going ahead and doing it as a private forest manager still is entitled to, we found people studying, worrying, documenting what they were about to do.

The phrase I used in my testimony was that this was the beginning of the end of national forest management as we knew it. It is from that time until now that I observed the creation of the national forest situation that you folks found it necessary to pass the Salvage Amendment. This is expressed in my written testimony that that change had occurred, and I think that in an entirely different political climate it need not have occurred.

The Forest Service at one time had the management skill and the professional ability available with folks available to them like Dr. Kline and that type of expertise not to allow this to occur. Obviously the private sector has managed its similar lands without the same result, so the knowledge is out there. The ability to do the right thing is out there.

Mr. HERGER. I want to thank you for your comment. I am reminded here not that long ago I flew over some forests in the Klamath National Forest. Just flying over it by air, you could look down, and it was sectioned. It was as straight as an arrow where you could see the divide between the private land, the privately managed land, and that of the Federal land, the Forest Service land.

The private land was green. They had gone in and removed the dead and dying. The Forest Service land was dead trees throughout. You could literally see the line. Without a map, you could see where the Forest Service land ended and the private land began.

The tragedy of all this is I believe what you are saying. This situation need not have occurred. I have to agree with you.

I believe a lot of it, in a little bit of defense to the Forest Service, has to do with laws that have happened in Washington, but I also want to state that we did have a major change in Washington this last November just about a year ago. We are seeing the beginning of us implementing that change now even though there is just a little bit of light at the end of the tunnel.

With your continued help and work, hopefully we can return this where we can begin managing our national forests where we do not have the type of situation which, and I agree with you, I do not believe had to have occurred, but it has occurred.

Our big challenge now is straightening that out and working with everyone involved to make this system work and preserve the good health of our forest and at the same time help the economic viability of our community.

I thank you very much.

Mr. COOLEY. I want to thank this panel for their enlightening testimony from the industry and the straightforwardness of it. I hope there is no repercussions. If there is, I hope you inform us of such.

Thank you very much. You are excused.

Our last and final panel is Mr. John Lowe, Regional Forester, U.S. Forest Service, Portland, Oregon, and some of his forest managers in the Sixth Region.

Mr. COOLEY. Mr. Lowe, you have the floor.

STATEMENT OF JOHN LOWE, REGIONAL FORESTER, U.S. FOREST SERVICE; ACCOMPANIED BY CHARLES GRAHAM, SUPERVISOR, FREMONT NATIONAL FOREST; RICHARD GRACE, ACTING FOREST SUPERVISOR, MALHEUR NATIONAL FOREST; JAMES FURNISH, SUPERVISOR, SIUSLAW NATIONAL FOREST; ROBERT RICHMOND, SUPERVISOR, WALLOWA-WHITMAN NATIONAL FOREST; DARREL L. KENOPS, SUPERVISOR, WILLAMETTE NATIONAL FOREST; AND BOB CASTANEDA, SUPERVISOR, WINEMA NATIONAL FOREST

Mr. LOWE. Mr. Chairman and members of the committee, thank you for the opportunity to discuss how the Forest Service, in cooperation with other agencies, is implementing timber related activities authorized in Public Law 104-19.

I am accompanied by Charles Graham, Supervisor of the Fremont National Forest; Richard Grace, Acting Forest Supervisor of the Malheur National Forest; James Furnish, Supervisor of the Siuslaw National Forest; Darrel Kenops, Supervisor of the Willamette National Forest; Robert Castaneda, Supervisor of the Winema National Forest; and Bob Richmond, Supervisor of the Wallowa-Whitman National Forest.

I have submitted a written testimony. I would like to just make a few comments before the questions.

Salvage has always been a major component of this region's timber sale program, whether it was from wildfire, blow down or incidental trees along the road systems. Interest in salvage from the public's perspective has always been high.

In 1976, Congress established the salvage sale fund to perpetuate this effort continuously by using part of the receipts. In the late 1970's and early 1980's, this region literally salvaged millions of acres in eastern Oregon of lodgepole pine and some ponderosa pine.

As new information to wildlife and fish habitats have been developed through research, the listing of species and the more active involvement of the public, the amount of timber available from public land has been reduced dramatically, and the salvage component has not escaped this trend.

In the early 1990's, we were producing a little over four billion board feet a year in this region. Right now, we are producing a little less than one billion board feet. I think that trend is significant in the discussions that we will have.

At the same time, we have recognized that the forest health issues associated with overstocking and off-site species have created severe increases in fuel loading and increased large fires. The first report I think that was published was by the Forest Service in this region in 1991 recognizing and bringing this issue to the forefront.

Those issues particularly in the dry parts of the region have consumed much of our time and energy as to how we can better cope with this issue and at the same time provide a more stable flow of wood products into the local communities. Obviously the results of our efforts have not met everyone's expectations and probably not even ours.

Last May 17, we participated in a work session sponsored primarily by the east side county governments in LaGrande, Oregon, to discuss this issue and various expectations. I felt that this ses-

sion was excellent from the aspect of a better understanding of each other's issues. Even when we fundamentally have common objectives, the understanding of how we get to those is very important. Both the Governor and the Chief of the Forest Service attended that meeting.

Early in 1995, we started responding to congressional requests for information as to what kind of salvage volume was available, given certain assumptions. We also modified direction relative to the east side screens to enable more local decisions to be made to facilitate forest health treatment.

We have moved aggressively on fires which burned during the 1994 season to limit losses due to deterioration. We have had 18 sales of 120 million board feet that we put up within nine to 12 months. We were able to increase our salvage program in fiscal year 1995 by approximately 80 million feet by the priority that we placed on salvage.

I know that for people in the audience that have been around here for several years, these numbers are not great, but if you compare them to the low point in the cycle about 1992, sometimes we feel pretty good about even small increases.

In fiscal year 1996 and the first quarter of fiscal year 1997, we are planning sales with 664 million feet. This is an increase of 80 to 100 million above what we had originally planned. We have asked for an increase in the salvage sale funds of about \$11.5 million.

I would like to go back sometime, Congressman, and talk about the \$243 million. There may be a hole in the pipeline in terms of what we have been able to get.

We are also contracting in various aspects, and we are currently looking at the opportunity to complete the entire complete job of sale preparation from start to finish. We do find that we are beginning to see companies that have that capability, which have not existed in the past.

Even though these numbers do not meet everyone's expectation, we are proud of the fact that we have made significant progress over the recent past. There are problems and are opportunities around every corner.

One of the issues discussed at the LaGrande meeting was the time it was taking to do consultation, particularly with an investigation of Snake Basin.

Early in 1995, the regional foresters for Regions 1, 4 and 6 and the regional Director of National Marine Fisheries and U.S. Fish & Wildlife Service signed a Memorandum of Agreement to develop a team approach at the project level to facilitate the consultation process with provisions that where agreement could not be reached it would be elevated to the next level for quick resolution.

At that point in time, we had quite a few areas where consultation—we just could not quite get it to happen. The same basic agreement that we formulated at that time is in the MOA to implement Public Law 104. This process holds promise, and I expect it to be an improvement over where we were in the past.

The development of timber sales and objective of solving both forest health issues and fuel loading, while protecting key habitats, can become economical, leading to no bidders. The timber sales can

play an important role in solving forest health and fuel problems, but they alone will not be enough.

We are struggling at this point in developing a crosswalk between how we do service contracts in our timber sale program to try to facilitate this issue. There continues to be much debate between scientists on the question of acceptance of short term modification of current conditions in order to insure less adverse modifications in the future from fire or insects and disease.

You have heard testimony today that from the fire standpoint it is very detrimental. I can assure you there are a lot of folks in the scientific community that can argue the other side of that issue very hard, and they do.

On the positive side, the public in general, and I think this is where things really happen, has a better understanding about fuels and about fires, especially in relationship to urban interface.

I think the public is beginning to get a much better understanding of forest health and that it may take active management rather than no management to really be able to have healthy forests at least in some parts of our country. To do that, the public is more willing to accept the necessity of managing those situations.

Region 6 also has two other issues other than just salvage related to Public Law 104, and that is the implementation of the sale program under Option 9 and the release and the award of the 318 timber sales.

With that, I conclude any comments and defer to the questions. [The prepared statement of Mr. Lowe can be found at the end of the hearing.]

Mr. COOLEY. Mr. Lowe, Public Law 104-19 really has to do with sales over and above Option 9. Option 9 does not play a role in this at all. Maybe that is where there is some confusion. This was not to replace Option 9. This was what you were going to do under Option 9 plus. Let's go with that.

Number one is I sent you a letter on October 31 requesting some basic statistical information. We did not receive a response. Can you give me a response to that now?

Mr. LOWE. The information that we have tried to put together has been in the review process. Because of all the legal issues that we have, it had to be reviewed.

Mr. COOLEY. Could you tell me who is reviewing it?

Mr. LOWE. From my standpoint, it goes through our Washington office in the legislative affairs.

Mr. COOLEY. I do not mean to embarrass you, but I can understand policy decisions going to Washington. We have no quarrel with that at all, but statistics like total volume of acreage of dead and dying timber, you cannot tell me what that is without going to Washington?

Let me go through the very basic things, not policy, but total volume of acreage of dead and dying, volume of acreage that is dead and dying that is merchantable saw timber, volume of acreage of annual mortality, status of salvage sales in progress. These are not policy decisions. These are just factual.

Why are we going to Washington to some bureaucrat in Washington who has not a thing to do with your area? He does not know

a tree from a stump. I find something really wrong with this process.

I know I am putting you on the spot. I do not mean to do that. Is a directive from Washington coming down to you, Mr. Lowe, telling you not to give anything to Congress that they do not OK? Is that why you did this?

Mr. LOWE. No, not in that sense. I think the question in relationship to when we do anything that has to do with congressional hearings is different than if you just write a letter or call me on the phone or those kinds of activities.

Mr. COOLEY. Even when we ask you for statistics, just flat numbers that are factual? I hope they are factual.

Mr. LOWE. I think the issue is, though, that the numbers and the data that we give, if they are related to some existing lawsuits and to the testimony before a Congress like this, then we have to have that approved, yes.

I do not have to have every letter that I respond to a congressman approved by other people.

Mr. COOLEY. When you say existing lawsuits, numbers of how much acreage is available will affect an existing lawsuit?

Mr. LOWE. I do not even know exactly how many lawsuits we have today, but there is a tremendous amount of interest in the Department of Justice about anything we say relative to lawsuits and legal action.

Mr. COOLEY. If I were not a Member of Congress and I was just a plain, hardworking timber person and came to you and filed under the Freedom of Information Act for these figures here, would you go to Washington to get approval to give me these numbers?

Mr. LOWE. I doubt it.

Mr. COOLEY. You doubt it, but you cannot give those numbers to us?

Mr. LOWE. The way I understand the question was asked again related to the hearings.

Mr. COOLEY. No. The question was if I was not a Member of Congress and I was a timber worker, under the Freedom of Information Act if I would have asked you these four questions, you would have given those questions to this individual?

As a Member of Congress, I ask you the same thing, and you cannot give those to me because you must get approval from Washington?

Mr. LOWE. Where it relates to testimony, yes.

Mr. COOLEY. We need to work on changing the law.

In your written testimony you talk about improvement in issuing contracts over the past. What did you mean by that statement, over the past?

Mr. LOWE. I think I just——

Mr. COOLEY. Just now you stated that.

Mr. LOWE. It was in regards to the consultation process.

Mr. COOLEY. Did our legislation not expedite that process? Did we not mandate that under law? Was that not really what the law said?

Mr. LOWE. To expedite consultation.

Mr. COOLEY. Yes.

Mr. LOWE. What I was making reference to is that where we are with the consultation today is much improved from where it was a year and a half ago.

Mr. COOLEY. How is it much improved? That is where I am curious. By law, we have changed the whole process. We did not disregard it. We just changed it. Now you are saying it is much improved. It should be 100 percent improved.

Mr. LOWE. We still, if you read the Memorandum of Agreement—

Mr. COOLEY. No, no. The Memorandum of Agreement is not law. We will have to work on this. The Memorandum of Agreement is an interagency agreement that you will all cooperate with each other. It does not supersede Public Law 104-19, but I think in your mind you must think it does. It does not. Do you think it does?

Mr. LOWE. I am not sure of the relationship between where it supersedes and does not supersede.

Mr. COOLEY. Remember now, the Congress of the United States and the President of the United States signed this into law. No Memorandum of Agreement can circumvent the law.

I think you are circumventing the law from your testimony right now and your hesitance to answer that. I do not mean to be disrespectful. I am just saying that I have a feeling that you feel that that is more powerful than the law.

Mr. LOWE. This is my own personal opinion, OK?

Mr. COOLEY. OK.

Mr. LOWE. That is all I can give you at this point, not being a legal person. I am not going to turn around and ask my legal person the answer.

Mr. COOLEY. You do not have to.

Mr. LOWE. As I interpret or look at the law, I think it is that there are lots of things that can happen at the discretion of the Secretary.

Mr. COOLEY. So you think that the MOA, at the discretion of the Secretary, supersedes the law?

Mr. LOWE. The MOA, to me, is direction as to how I will implement the law.

Mr. COOLEY. Explain that, how we implement the law.

Mr. LOWE. Getting back to the consultation package, it says that we will have all the agencies involved early on in the outlay and design of timber sales, which will help expedite the consultation process.

It also then will elevate that where we cannot get agreement on the ground as to what the changes would be to the higher level, ending up at the Washington office, if necessary. I think that is consistent.

Mr. COOLEY. And there are some time lines in there? Is that correct?

Mr. LOWE. Are you talking about the time lines in the MOA or the time lines in the law?

Mr. COOLEY. I am only talking about the law.

Mr. LOWE. I think the MOA, though, in terms of direction that it gives us is that we will go through that process. It will get everybody in early. You still have to get agreement from the other—

Mr. COOLEY. But there are some time lines, right, in the law?

Mr. LOWE. In how fast the consultation has to take place?

Mr. COOLEY. Yes.

Mr. LOWE. I would have to pick it up and read it to tell you exactly for sure.

Mr. COOLEY. Ask your attorney.

Mr. LOWE. Where is my attorney?

Mr. COOLEY. Please do not make comments. Obviously, we want to respect everybody here. Thank you. I am talking to the audience. Go ahead, Mr. Lowe.

Mr. LOWE. In terms particularly to the time line relative to the consultation process, my legal advice does not know that either.

Mr. COOLEY. My time has run out.

Ms. CHENOWETH. We are going to go around a couple of times. We will all get a chance.

Ms. CHENOWETH. Mr. Lowe, you testified that with regards to management by fire you had some thoughts, but also that the scientific community might have some thoughts about that.

Do you mean that there are some benefits to the fires that occurred in this area to the extent that they did? Is that what the scientific community that you were referring to in your testimony may believe?

Mr. LOWE. No. My reference really was to whether or not the harm to, let's say, fish is greater from going in and salvaging it or taking a risk that it may burn again at a hotter level the next time because of that much fuel left in the area.

Ms. CHENOWETH. You know, I wonder about the scientific community, so to speak. I know you are a trained forester. All of you up here are trained foresters. It is my hope and my desire honestly that you can be forest managers again.

I am so frustrated because I see and I hear in your testimony that the consultation process has improved. Will it not be fun to go home to your wife and say we reforested X number of acres today, and we are seeing forest health move ahead?

I mean, you have to be frustrated with the fact that what you can report to us here in Congress is that the consultation process has improved. That is not what we asked for in the Salvage Bill. We want those logs out.

Mr. LOWE. I think that the consultation process, and maybe I should not have focused on that, but certainly in a large part of the world the consultation process over the last 18 to 24 months has been a major issue.

I think also, though, if you look at the numbers that even though they are not great compared to the standards of timber harvest in this region in the past, they are improvements over where we were the last two or three years.

Ms. CHENOWETH. Congressman Cooley asked you about some information that he as Chairman of this committee asked for.

I joined Mr. Cooley in sending a letter to Janet Reno because Mr. Mark Gatey from the Forest Service testified in our Resources Committee that the Department of Justice reviews the request of Mr. Cooley as well, and in fact it is almost exclusively data and technical information that they screen for because that is the type of information that is often used against us.

Now we have the Department of Justice interfering with your ability to provide a chairman in Congress with technical data and information.

What would happen if you just provided the Chairman with the information? What would Janet Reno do? What would happen if you just did what the Congress asked you to do? Why do you not do it?

Mr. LOWE. Well, we have fairly explicit direction as to how we handle that part of things. I really think that the problem that exists, because I do think that we have a good relationship with our congressional delegation, but I think it comes through one to one kind of communications.

When you get into the hearing aspect and testimony of that kind, there is just a different way of handling information. That is about all I can tell you about it.

Ms. CHENOWETH. Mr. Lowe, who makes the laws?

Mr. LOWE. Congress passes them, and the President signs them.

Ms. CHENOWETH. And if the President signs a law into law, is it law?

Mr. LOWE. Yes, ma'am.

Ms. CHENOWETH. Do you not think you should follow the law?

Mr. LOWE. You know, I think that is really an interesting comment because I do.

Ms. CHENOWETH. Which law? When we have a Memorandum of Understanding—

Mr. LOWE. I just have to make a point that one of the things that we have been accused of in the past when we were cutting too much was that we were violating the laws.

You know, the difference of opinion about the interpretation of a law continues to be why these legal folks stay in business.

Ms. CHENOWETH. What would happen if some of these guys went out there and said I have an opinion that this salvage timber should come out of the forest, and they go out and help themselves? What would happen to them? I mean, every citizen has to abide by the law even if they work for the Federal Government.

Mr. LOWE. I think we are, ma'am.

Ms. CHENOWETH. As defined in the law that we just passed?

Mr. LOWE. Yes, ma'am.

Ms. CHENOWETH. Can you guarantee to this committee you are going to have the salvage lumber out according to the time tables set forth in this law and that it will be marketable timber?

Mr. LOWE. I cannot guarantee marketable timber. You know, there are two things that happen any time in a sale process. We will be the first ones to admit we have problems at times with appraisals.

If the price of equipment goes up and the price of timber goes down in a very short period of time, that in itself will make a difference whether a sale is marketable or not marketable. The amount of timber that comes on the market at the very same time makes a big difference in whether the timber sale is marketable or not marketable. I cannot guarantee that.

I can guarantee that we are looking hard at those things that we can do to make our sales sellable because we do have, and I do feel serious that to be successful in a timber sale program you have to

get the log on the truck. That is the end. That is the successful part of our program. If it gets hung up somewhere, we have not been successful.

Ms. CHENOWETH. You know, Mr. Lowe, I very much respect the job that you must do, but I think mutual respect is extremely important. Again, someday I want us to all be on the same course because this is just the beginning. It really is going to be a new day.

The people in the west and the northwest are especially asking that you not leave to us a legacy of dead and dying forests and dead and dying communities.

I want you to be able in a year to appear before us again and show us you are not too broken and that you really are managing according to the mission that was envisioned by Teddy Roosevelt and as set forth in the Creative Act and the Organic Act and the Multiple Use Sustained Yield Act and the Resource Planning Act and the Forest Management Planning Act, all of those Acts.

I want next year for you to show us you are not too broken to fix. I think you can do it, but it takes leadership. You are not a psychologist. You are a forester, and we want you to get out there and lead, not just consult.

Thank you.

Mr. COOLEY. Thank you.

Mr. Herger.

Mr. HERGER. Thank you, Mr. Chairman.

Mr. Lowe, I want to commend you for patiently sitting through this three and a half hours of testimony and hearings that we have had this morning in this front row.

I have made a few notes, I believe, and if I have misquoted you please let me know. Briefly, I think you made a couple comments such as where we are now that you felt was much improved over a year and a half ago. I believe you stated that you were proud that you thought that we have made significant progress. I believe you said that you felt good about the small increases.

Now, having sat so patiently and diligently as you have through this last three and a half hours, some four panels that we have had, we have had timber workers, and we have had authorities with the State. We have had elected officials from the counties. We have had State foresters from the State of Oregon, some with Ph.D.'s. We have had some mill operators.

I guess my question to you, Mr. Lowe, is during that three and a half hours of testimony, did you hear anyone who agreed with you that you thought we had made progress and that we were doing better than we were before? I do not know if I did.

I guess I have to ask how can you make a statement like that? We are both living in the same world here. You are up in Oregon. I am down in California. Our circumstances and situation is pretty similar, from what I can see.

Mr. LOWE. I think that there are obviously probably various expectations about National Forest System lands. My comment was based on that in 1992, we sold about 100 million feet off of the west side of this region, which at one time was producing about three billion board feet.

We now have that up to about 500 million, which to me is a significant increase over where we were in 1992. It is an extremely

long ways from where we were in 1990. If you have then through the 1992 era when you took that amount of acreage and only could get 100 million feet off of it, kicking that up four times makes you feel pretty good.

Mr. HERGER. Mr. Lowe, I am pleased that it makes you feel pretty good because I can assure you from what I have heard, and I am speaking for my district, you are probably the only one it makes feel real good.

Let me just become more specific here. Some of the comments that I jotted down during the testimony was many of the people felt that the Forest Service, and you represent the Forest Service, were not listening to them, that the industry would go in and try to work with you or try to give some thoughts on presenting sales that could be done.

I think there was one example of where even a recommendation that was made by someone within the Forest Service had a line of priorities, and the last priority was put up at the front. That person was promoted, I believe they said, to Washington. I do not know if that is a promotion or demotion or what.

We saw some pictures earlier that were up, and I saw similar pictures down in Region 5 just to the south of us of trees that were downed right next to the highway that had been down for several years next to the highway that we could not move. Some in my area were just downed with this severe storm we just had. I have to believe there are a number of instances like that in Region 6 as well.

If we cannot move trees that are downed right next to the paved highway that we can get to, what can we do? Why can we not even do what would seem to be the most rudimentary of forest practices?

Mr. LOWE. The fundamental issue that the pictures played about the trees in the road also related to the ten acre minimum that is under the Option 9 plan. As you know, the Option 9 plan was put in place to get us out from under the injunction with the court to satisfy the liability requirements of the National Forest Management Act.

Mr. HERGER. I do not mean to interrupt you, but now we are under new legislation. We have new legislation now that goes beyond that.

I am not a lawyer. You have indicated you are not a lawyer. I think we all know that the law that counts is the latest one passed. The latest one passed and signed into law on the 27th of July says that you can, working with good judgment, go in and do some of these things that you were not able to do under the old Option 9.

I would like you to answer the question having to do with the new legislation that is now in place.

Mr. LOWE. Again, my interpretation of the direction that I get is that the Secretary has the discretion now to follow Option 9, but at this point in time we are following Option 9 in terms of the timber sales that we put up will be consistent with Option 9. That includes the salvage portion relative to the late successional reserve systems.

Mr. HERGER. I know my time is up, but basically you are saying that you are ignoring then, and you are saying you are doing it because of direction from the Secretary of Agriculture then, who I

would have to assume is clearly breaking the law in saying to ignore this latest legislation, this emergency 18 month in duration legislation that we have. Is that correct? That is what the Secretary of Agriculture is telling you?

Mr. LOWE. I do not think there is an ignoring it. I think there is evidently a different interpretation of some of the parts of it. I think there has been other testimony that—

Mr. HERGER. The law says we can expedite. The law says we have certain periods we can work within. To me, that is ignoring if you are not doing what it clearly says in the law.

You have a lawyer back here who can look at this piece of legislation and tell you. That is what my lawyers have told me. I have to assume your lawyer would. It is very clear what it says.

Mr. LOWE. I guess, like I say, from an interpretation point there are differences of interpretations. That is why you heard testimony earlier of two or three court cases already relative to the law.

Mr. HERGER. Let me close. My time is up.

I also serve on the Budget Committee, and I can tell you we are looking for ways to save money. If we have a problem that even under very clear legislation we cannot get to move, perhaps we are wasting our money in the way we are running the Forest Service. Maybe we are giving you too much money.

Mr. LOWE. If you get away from the trees and the road question and you look at the information we gave you back in January or February about how much we could salvage, our anticipation is that we are going to do that.

The only part that will be short, and that is what we are funded for is what is in there. The parts that we will be short is I think about 500 million feet in 1997. The law only covers the first quarter of 1997, so that number will be different.

We fully anticipate meeting those other parts of that and will probably exceed it.

Mr. HERGER. Thank you, Mr. Chairman.

Mr. COOLEY. Thank you.

Mr. Lowe, I am going to walk you through something here. You help me here in trying to understand this, will you?

Some numbers were given to the Chairman, Mr. Young, of the full Resource Committee. I gave you a copy of the letter. You have all that information in front of you. This was before the Salvage Bill was written on February 1.

On April 25 when we were talking about the Salvage Bill in sincerity before we got it passed, some numbers were given by Secretary Glickman at that time. You staff has a copy of that letter.

Let's start with the April 25 information starting with Merchantable Timber Volume and work down through Public Law 104-19 Amendment volume. Let's take Roaded Areas. Two point six billion board feet in roaded areas was considered merchantable in Region 6 on April 25. The Secretary's report says that only 1.1 billion is available.

What is the difference? It is all roadable. What is the difference between the merchantable and the available? Why that much? It is 2.6 billion to 1.1 billion.

Mr. LOWE. I have 1.204 billion. Is that the same?

Mr. COOLEY. Yes, that is the same thing.

Mr. LOWE. OK. The merchantability has only to do with the tree itself, whether it is sound, unsound or whatever.

The operability of that volume and getting it out is how much it costs to get it out, whether or not you can pay its way from where it is to the mill. You start losing some of that. The difference between what you can get out—

Mr. COOLEY. When you say available, what does that mean then? These are records from the Secretary.

Mr. LOWE. Yes. I am trying to look. I do not see the availability column.

Mr. COOLEY. The Secretary reports on April 25 that 1.1 billion board feet was available. Why is less than half of this merchantable? Why is it less? What is the difference between 1.6 billion and 1.1 billion? You have merchantable material, and you have available material.

Mr. LOWE. Economically available material.

Mr. COOLEY. Economically available.

Mr. LOWE. The volume that is the difference between the 1.6 billion and the 1.2 billion on my chart is that volume that we would not harvest because of other requirements—leaving it in the woods for wildlife, not getting it too close to the stream, those kinds of issues.

Mr. COOLEY. That takes in almost half of the total amount of available timber in the area, wildlife and streams?

We all understand we have to protect the streams. We all understand we have to leave something for wildlife. If it is dead and has no merchantable green salvage, getting it out of there and replanting would help the forest health.

We do not, however. We leave it standing, which creates a fire hazard. We would like to know why 50 percent of it cannot be harvested. Are there that many streams?

Mr. LOWE. If I read my table right, we are saying we can harvest two-thirds of it, which is 1.2 billion out of the 1.6 billion, that is economically operable.

Mr. COOLEY. You are saying 1.2 billion out of 1.6 billion?

Mr. LOWE. Yes. We must have a different table. Anyway, whether it is 1.2 billion or 1.1 billion, it is pretty close to two-thirds.

Mr. COOLEY. It is less than half, 2.596 billion to 1.204 billion. I was rounding up and down.

Mr. LOWE. Yes. Right.

Mr. COOLEY. Let's take another example. Let's take the Wenatchee, for example. Who handles Wenatchee? Anybody here? Well, it is in your region, though.

The February 1 fiscal year you planned on 106 million board feet to be available. That was the plan. On September 1, you made available 158 million board feet, and on September 1 you reported sold 2.5 million and harvested 8.7 million board feet, yet you said available was 158 million board feet. We have 2.5 million. What did we do with the other 154 million board feet?

Mr. LOWE. I do not have the table in front of me.

Mr. COOLEY. Well, I sent you that letter.

Mr. LOWE. There is something here different. Do you have a copy of it you could bring me?

Mr. COOLEY. Yes. I would suspect that the Secretary of Agriculture sent you a copy of this information since he sent it to Congress.

Mr. LOWE. We probably sent it to him.

Mr. COOLEY. Since you had to send him the figures and he had to approve it to send it to us, I presume those figures were generated by you. Were they, or were they from somebody else?

Mr. LOWE. Yes. I am trying to sort the dates out here. The reason that it concerns me that I am having a little trouble bringing them together is that the Wenatchee probably had the most aggressive and the most successful salvage program of any forest in the country in the last 12 months. We offered on that forest over 80 million by September 1.

Mr. COOLEY. That is not what is reported here. On September 1, you said in that letter signed by the Secretary that you sold 2.5 million board feet, and you harvested only 8.7 million board feet. Yet, in the same letter you said there was 158 million board feet available.

All we want to know is, what happened to the other 150 million board feet?

Mr. LOWE. One of the issues I think with the chart is that it may have come from the Washington office. All the data is taken off the sale tracking and reporting system, which may not be quite as up to date as if I call the forest supervisor and ask him what he is doing.

I think the question that you are probably getting at is that with all of the amount of fire that Wenatchee had, the salvage of those fires to this point has been about 15 to 20 percent of the volume.

Mr. COOLEY. Let's go back to a fundamental question because my time has run out.

What you have just said or implied, let's say, is that the figures we are getting may or may not be accurate from the Secretary of Agriculture because they are not up to date, and yet they are saying to Congress these up to this date are accurate.

Did you say in a way that they are not accurate, so we are not getting even the right figures from the Secretary?

Mr. LOWE. We have a computerized timber sale tracking system. Every time a sale goes to a different part of its process, including sold and harvested, it shows up in the machinery. You can access that from anywhere.

Depending on where each forest is in inputting, if that is up to date on the day it is accessed then it is accurate. If they are going to update it two days later, there may be a little bow in some of the numbers.

Mr. COOLEY. My time is up, but let me say one thing to you. No Member of Congress that I know of realizes that you report a sale even though it has not been harvested for the total amount.

On your total figures, we found out from the previous committee under oath that when we look at these figures, it does not mean it was harvested. It means it was put up for sale. If there were no bids on it, it was considered sold.

Mr. LOWE. There are two sets of data, depending on how the question is asked. If it is offered, and that is where our targets

come from, if we put it up for bid it goes into a column. Once it gets sold, it goes into another column.

Mr. COOLEY. Right.

Mr. LOWE. There are differences between those two.

Mr. COOLEY. But the figures that have been given to Congress are the figures that you put up for sale, even though you might put up a sale that never will be sold because the price is so high that nobody will bid on it because they cannot break even just to keep the mill going.

Congress gets those figures, and we think that you are actually moving that timber. You are not. We look at these total figures. We have been confused. Only through these hearings are we finding out how the Forest Service has been providing those figures.

Mr. LOWE. I can just I guess verify, Congressman, that there is a difference between the offered number and the sold number in terms of reporting on timber sales.

Mr. COOLEY. Under the law, it asks for offered, harvested and available. We would like to see those figures presented to us in this way.

Do you have some time when you could tell me when you can respond to my letter? Do you have any idea when that might occur, or do I have to go to Janet Reno and find out?

Have you submitted that information to Washington now, and are you waiting for them to give you permission to give it to me?

Mr. LOWE. I am sure we have.

Mr. COOLEY. You are sure we have?

Mr. LOWE. Yes.

Mr. COOLEY. Could you find out if we have or not? I mean, I hate to ask, but I would like to know.

Mr. LOWE. It has been submitted.

Mr. COOLEY. It would have been nice if we could have gotten some more up-to-date figures for the region. That would have been nice, but we were not able to do that.

Mr. LOWE. Yes, it has all been submitted.

Mr. COOLEY. It has been submitted, so it is in Washington now?

Mr. LOWE. Right.

Mr. COOLEY. Thank you.

Ms. Chenoweth.

Ms. CHENOWETH. Thank you, Mr. Cooley.

Mr. FURNISH, in the Siuslaw National Forest, Jack Ward Thomas gave us some information before we passed the timber salvage law with regards to the volume that you already had planned in salvage to harvest out of your forest.

We have .04 million board feet planned for 1995, as well as that same amount for 1996. Is that as you recall it for salvage?

Mr. FURNISH. That would be 0.4 million board feet.

Ms. CHENOWETH. Yes, 0.4. That is what we have. Then we pass the timber salvage law. Will that change? Does the timber salvage law cause the volume to increase?

Mr. FURNISH. The volume of salvage timber?

Ms. CHENOWETH. Yes.

Mr. FURNISH. Given the characteristics of the Siuslaw National Forest, no.

Ms. CHENOWETH. And what would those characteristics be that would cause the figure to remain static?

Mr. FURNISH. I think the Siuslaw National Forest I would characterize as a relatively young national forest. It has been heavily harvested. It has a high component of young, regenerated planted stands.

It is also a forest that has a very different fire characteristic and regime from those you would be familiar with in Idaho. We have virtually no lightning, almost no natural fires. It is just a very different situation. We do not have a forest that is really in jeopardy from catastrophic fire.

As it relates to insects and disease, it is also, as I said, a very young forest. We do have endemic populations of insects where we have spots here and there, but very few that exceed ten acres in size.

Ms. CHENOWETH. In those endemic populations, are you offering green slip sales for under 10,000 board feet for salvage?

Mr. FURNISH. Probably very few due to the characteristics of Option 9, late succession reserves, which calls for the retention of most of that down and dead wood in the forest unless it is blocking road access. To the extent that it is blocking road access, we are providing some of that material for sale.

Ms. CHENOWETH. Thank you.

Mr. Kenops, in the Willamette National Forest it looks like that there has been about 25 billion board feet planned of harvest of Douglas fir from fire and some from blow down and some from insects. That was for 1995. 1996 is 13.5 million board feet. Is that as you recall it?

Mr. KENOPS. I do not think those are accurate figures. Let me give you a quick rundown on the figures.

Ms. CHENOWETH. OK. Now, these figures came from Jack Ward Thomas.

Mr. KENOPS. They may have, but as we have offered sales and have worked through our program from our goals of last spring to what we actually accomplished, there have been some changes.

Let me just repeat roughly those figures. I will provide it in more detail to you also so you have the exact figures.

We sold around about 75.6 million feet, which was about two million feet more than our offered target, if you will, in 1995. Roughly about 17 million feet of that was salvage.

In the 1996 program, in the program part of our sales offerings we have 91 million in green volume, we have 13 million in salvage volume, and then we have added 10.4 million in our first report of expedited salvage.

I want to correct also an earlier statement I heard or that maybe there is some misinformation about. As we make these periodic reports to our chief and to you about what we are doing, there is potential that more salvage volume will come into line, come into those reports, because of what people are finding out in the forest. We are encouraging them to stop by and tell us when they find a site. We also have our own district crews, and I have a couple recent examples of that where they have been out looking also.

Those numbers that we submitted for the Willamette in the very first report was the very first estimate of what our capability was at that time.

Ms. CHENOWETH. Mr. Kenops, would you mind keeping us updated, the committee?

Mr. KENOPS. Yes, we can.

Ms. CHENOWETH. I appreciate that.

Mr. KENOPS. Yes.

Ms. CHENOWETH. Mr. Graham, in the Fremont National Forest you had planned 18 billion board feet primarily of white fir, ponderosa pine and paralogical pine. That was for 1995 and due mostly to fire, but actually the largest volume is to disease and insects. In 1996, you are planning 12 million board feet.

Has the salvage law caused those figures to be adjusted because the law requires that the salvage sales be achieved to the maximum extent possible? Have you been able to enlarge that?

Mr. GRAHAM. Yes, we have.

Ms. CHENOWETH. Good.

Mr. GRAHAM. We are looking at 30 million feet in 1996.

Ms. CHENOWETH. That is wonderful.

Mr. GRAHAM. Nine million of it will be green and moving into the green under story component for ecosystem and health. We are optimistic that we can exceed that.

Ms. CHENOWETH. I am very glad to hear that.

Do you know, are most of those sales going to go up by helicopter?

Mr. GRAHAM. We have no helicopter sales. Fremont is relatively flat, rolling hills, so we do not use helicopters except on a rare occasion.

Ms. CHENOWETH. Mr. Graham did you know that the county has petitioned to our committee to ask to manage the forest in their county?

Mr. GRAHAM. Yes. We have worked with them on that proposal and provided them the information they needed from our reports and everything.

Ms. CHENOWETH. I am very pleased to hear your report. Like I said earlier, I know it is hard to appear before a committee like this. I think we are all frustrated. We all would like to see you be able to do what you were trained to do.

When I was a little girl, every little boy wanted to be a policeman, a fireman or a forester. I want them to continue to grow up and want to be a policeman, a fireman or a forester. Your job should be very rewarding to you, as well as to your employees.

We are hard on you. We are hammering on you. We are going to keep hammering on you. You have been hammered the other way for so long. It really is my desire that all of you be able to be out there in the woods and be able to oversee in the next 20 years a substantial change in our forests.

I thank you very much.

Mr. COOLEY. Mr. Herger.

Mr. HERGER. Thank you, Mr. Chairman.

Mr. Lowe, we heard from some of those who testified earlier about the problem of sales that would go up that when they would

go out and look at the sale they were below cost and, therefore, would not sell.

I believe we even heard some comment from several of our witnesses that they would even try to work with the Forest Service, but did not have very good results in trying to work with the Forest Service so as the sales that would come up would be above cost and something that they could go in and be able to remove the dead and dying trees.

Would you mind commenting on the problem as you see it, hopefully relating to the problem as it was being related to us earlier in this hearing and what we can do to help rectify that?

Mr. LOWE. I think there are two or three reasons why we have sales that are uneconomical, people will not bid on them or whatever.

I guess on the question of whether or not our folks are on the ground trying to find out can we change the design or can we do some things differently, I think we have a pretty good track record that we are willing and ready to go out and do that. We have done that a lot in the last six months on a lot of timber sales.

There may be some kinds of things that we cannot modify to the point that if the only thing we were trying to do was to get the wood out we could do.

We have a lot of complaints about well, you are leaving all the good stuff in the woods for the cavity nesters, and you are having us take all the crap out. I hear that a lot. I hear it myself. These folks here, I know most of them, and they are not bashful about telling me.

Mr. HERGER. And that is why they are below cost so often.

Mr. LOWE. A lot of that makes it below cost when you do that. I think in a lot of cases with those kinds of sales we are trying to move what we can, reduce the fuel load and put as much wood into the economy as we can, but we still are looking at maintaining those questions related to species viability and some other issues.

The helicopter issue is big. We have put up more helicopter sales in the last year than any time that I can remember. A lot of that is related in parts of the region where we have the fish because the first thing you run into is that OK, there is no big argument if you put helicopters in there rather than some kind of tractor equipment.

I think there are cases where if we do not use helicopters, the other option is that we probably would not be able to remove any wood fiber. Those get down to the question of economics.

One of the problems with a helicopter sale is that we would like to be able to take care of as much fuel reduction with the timber sale as we possibly can. We have over burdened some sales with well, if you take the log out we want you to take the top out so that we do not have that fuel left on the landing.

We have had to go back and change some of those because just economically they barely could get the log out, much less haul the slash out. That leaves us with a problem, but it still makes the wood be able to get to the market.

There are a lot of different factors related to why these sales fit and do not fit, how much flexibility we have in going out and making modification. We have modified a lot of the sales that did not

sell the first time around this last six or eight months to make them where they were—I hope they are economical, but at least they were at the point that people could pick them up.

I guess the main point I want to make, and I am sure that I speak for the forest supervisors sitting here, is that if people really feel like they are not getting a good hearing on how you can look at those, I hope that when they say we are not listening that they are looking at also some of the requirements that we are faced with that we need to put into that timber sale to make it viable from maybe not an economic standpoint, but from an environmental standpoint.

Mr. HERGER. I see my time is about up. If there is some way to emphasize in the greatest degree possible, Mr. Lowe, this sense of urgency, I would like to do that. I am sure this committee would like to do that.

Both of us know, and you probably better than me because I assume you are a trained forester. I am not, but I spend a lot of time talking with people who are and in the forest. I mean, we only have so much time to get these trees out.

One of the examples that was given was that they put it up a year ago, and it finally came up this year. During that period of time, we know that maybe the value can drop by 50 percent. This is very time sensitive.

I would hope in the future that you would be a little sparing knowing how upset people are in saying just how happy you are with the progress. Let me just caution you with that. That does not help those feel that much better when they are so frustrated and they hear that you are just as tickled as you can be with what we are doing. That is not quite what you said but it almost could be interpreted somewhat that way.

Mr. LOWE. I think there has been enough dialog with a lot of people in this room that they understand that I understand where they are. I understand the mills that do not have logs in the yard. I understand the mills that are gone in the last five or six years.

There is a whole issue not only in terms of whether or not it is marketable, but you could project about three years ago that this summer was going to be the summer when volumes under contract was going to go away. We had several years of volume under contract that people could live on. There is no longer any volume under contract of any great degree. I think I understand that situation quite well.

Mr. HERGER. Let me just close with this. My time is up, but if the chairman will allow this.

I would just state a fact in Congress right now. Despite what you might think having sat through this hearing, I have been one of the strongest supporters of Forest Service budgets of anyone in the Congress.

I can tell you that the Congress is looking at whether or not they are getting their money's worth or not out of every program. I do not say it lightly when I say that they are looking at budgets.

For your sake, for the sake of all of you who work with the Forest Service, it is in your best interest, believe me, that you make this program work because if you do not, if you think you have had

cutbacks before, I can tell you the mood of the Congress is that you have not seen anything yet.

Thank you.

Mr. COOLEY. Mr. Lowe, I just need to clarify something. The MOAs that you received, has this made your ability to put out dead and dying and regular green services more cumbersome or less?

Mr. LOWE. I am trying to find it.

Mr. COOLEY. In total.

Mr. LOWE. In total, if you look at where we are like say 18 months ago, I think we have a better facilitated process in terms of the relationship with other agencies than we had at that time.

Mr. COOLEY. So you think it has made it better? Yes?

Mr. LOWE. Yes, in that sense.

Mr. COOLEY. Did you have an opportunity or have you had an opportunity to see Governor Kitzhaber's Forest Health and Timber Harvest on National Forests in the Blue Mountains report?

Mr. LOWE. Yes, sir.

Mr. COOLEY. Do you agree with that report? Have you had a chance to review it?

Mr. LOWE. I have not read it in detail, but basically from the briefings that I have had on it, I think it is a good document.

Mr. COOLEY. Is it a good document in the scientific evaluation, or it is a good document in its conclusion?

Mr. LOWE. You may need to refresh me exactly how the conclusion is stated.

Mr. COOLEY. I do not want to tell you how it concluded. You have read it. You have had your briefing. Do you conclude that it is a good scientific document, and will the Region 6 Forestry Service use or implement that report? I think that is a fair question.

Mr. LOWE. I think it is a good document. It has a lot of good scientific credibility in it because some foresters participated in looking at it. It certainly will be given a lot of consideration in our efforts to move forward.

I think the fact that we have strong support in that document to move ahead with the salvage program is very helpful in our efforts to fulfill what you folks have requested us to do in the salvage program.

Mr. COOLEY. Let's go back to the report again. Do you feel that the Forest Service can implement the report and its conclusion?

Mr. LOWE. I really cannot recall. The reason I am hesitating is being here under oath, I am not sure I can recall in my computer right now exactly what that conclusion is in a scientific sense.

Mr. COOLEY. OK. We will send you a letter and ask you if you will put that in a statement. Please remember that when you respond, you will be still under oath.

I would just like to know because we are very excited about the report. In fact, we are very disappointed that it has been hidden for as long as it has been hidden. I wish the Forest Service would implement it.

I think that some of our gentlemen from the industry that were here, especially on the east side, would certainly applaud implementation of the Governor's report. I think it is very positive. I think it is a good scientific report. If you would implement it, it

would certainly change your image in many parts of the State anyway.

I want to make an observation. You know, when we sat down we spent a lot of time—hours and nights—talking to people in the industry and environmental groups when we put the Public Law together and we really and truly felt that this was a win/win/win for everybody.

We felt that it would regenerate the forest of the dead and dying and the burned timber. It would create an economic base not only for the Federal Government, but also for the counties and would create some employment for our mill workers. It would increase the health of the forest so we would have sustainable yields in the future.

That was the main goal of this process because we feel that the system broke down. We thought you would take a copy of this legislation, of the law, go to the forest and prepare sales using new biological evaluation and environmental assessment, apply standards and guidelines that made sense and produce a sale.

We then thought that the regional forester would review the sale and then select it if it protected the environment. The sale would then and only then receive special jurisdictional protection. Thus, administration and flexibility would be extended after the document was prepared.

Now, this is the way we envisioned it would work. How do you envision Public Law 104-19 compared to our vision? Remember, you have the discretion to decide if the sale should go through. We gave you that protection so you are not going to be sued after the judicial system decided that the sale was valid.

That is one thing the environmentalists are really upset over. We understand that. It is your discretion in doing it. We protected you and yet gave you all the flexibility to comply with all the regulations so you felt satisfied and the people on the other side of the issue felt satisfied.

Now, tell me. What was your vision or what is your vision of Public Law 104-19, because you should probably know that as well as I do, and I helped write it. What is your vision of that law? How do you, as the chief of the six regional forests, preserve it?

Mr. LOWE. I think one thing is it certainly emphasizes salvage. It emphasizes the need to move aggressively with forest health and fuel loading questions. It does eliminate a lot of the timeframe and the appeals process.

It allows us to consolidate some of the documentation that we have had in the past between the biological evaluation and the biological opinion and the environmental assessment, which are all helpful and should shorten up the timeframes.

The requirement for us to have similar agreement as to what the environmental effects of these timber sales are with other agencies is still there. That may be where the difference is in your interpretation of what you wrote and what I see as our direction out here and to implement it.

Mr. COOLEY. Do you get that through the MOA, that part?

Mr. LOWE. Yes.

Mr. COOLEY. OK. Thank you.

Ms. Chenoweth, would you like to have a closing statement?

Ms. CHENOWETH. Thank you, Mr. Chairman. It has really indeed been a privilege being here in Medford.

I do want to say that the Chairman of the Resources Committee, Don Young, appointed this committee not because we needed to have hearings again on the need for salvage sales, but the bottom line is this salvage sale program truly and really is the acid test for the Forest Service. We want you to make it work.

If Clinton survives in a year and a half, we may be able to sit here face to face. You are torn between what he wants you to do and what the law says for you to do, but he signed the law. If the Nuremberg trials and if Watergate taught us nothing else, it taught us that no one is above the law.

We lay out these challenges because we know you are foresters. You know your business. As Teddy Roosevelt and Gifford Pinchot envisioned the mission, the national forests were to be managed one way while the national parks were to be managed another way. It seems that vision has gotten mixed up. The national forests were to be managed with the public trust in mind of being able to help sustain the communities.

We are looking to you to help share that public trust and to carry it forward. It is an important one. It is an important one for the viability of not just the forests which we share, but these families out here that I know we all care for. They are awfully, awfully important to us.

When somebody says, whether it is somebody from the environmental community or another agency that comes to me and says let us sit down and reason together and consult, I know two things. I know that we are trying to agree to something that may not otherwise be very clear in the law. That is happening more and more. Clarity of purpose and clarity of understanding of what is in the law is so important.

Justice Brandeis said in a Supreme Court decision in 1928 entitled *Ohmsted v. The U.S.* that, "Decency, security and common sense demand that the government uphold the law because when the government demonstrates that they will not abide by the law, that sets the example for everyone else beside the government to break the law."

We are dealing with more here than just the forests. We are dealing with the moral fabric of our country and of the relationship of citizens to their government. When the government becomes the law breaker instead of the example of keeping the law, as Justice Brandeis said, he said that tyranny would result. We do not want to see that. We want a very peaceful America and in every area.

Justice Brandeis closed that statement by saying, "Against that pernicious end of tyranny, this court resolutely sets its face." I think you probably get the hint that the Congress is pretty resolute, too, about making sure that our purpose is very clear and our mission is carried out because you do hold the public trust.

Thank you so much.

Mr. COOLEY. Thank you very much, Helen.

Mr. Herger.

Mr. HERGER. Thank you very much, Mr. Chairman. I want to take this time to thank you again, Congressman Cooley, for your leadership, for chairing this task force on this issue that is so cru-

cially important to not only your area here in Oregon, but certainly my State and my part of northern California and our nation.

I want to thank you so much for that long leadership that you have done throughout this year and throughout the putting through of this legislation.

Congresswoman Chenoweth, I want to thank you for coming all the way from Idaho. I just had a little trip here from northern California, but we appreciate you coming here and participating as you have.

I want to thank each of our panelists for the long day that you have had, each of you from the Forest Service and all our previous panelists and certainly the audience and everyone who is here.

I just want to emphasize the purpose of why we are here, the purpose of why we are having this hearing. It is to see whether or not we are implementing this emergency legislation.

With maybe the exception of one or two, virtually everyone we have heard here today does not feel we are implementing it the way it should be implemented. I would have to conclude, being one of those who helped write the legislation and who helped pass the legislation, that I have to agree with the vast majority.

I just have to say to the Forest Service that we need to rededicate ourselves and energize ourselves in working with everybody involved to make this work and to make it work more efficiently.

I can assure you that we are going to continue to follow this. This is just one of the battles that we are fighting. We are going to be going back to Washington. You can be sure there will be further legislation.

This is only a little part of the puzzle, as everybody knows, in order to restore forest health and restore the economic viability of our communities. I can assure you we are not going to stop here, and we certainly are not going to forget what we heard today.

Again, I want to thank everybody involved. We are going to make this process work. One way or another, we are going to make this process work. You certainly have my commitment to that, and I know Congressman Cooley's and Chenoweth's as well.

Again, I thank you.

Mr. COOLEY. I want to put the letters of February 1 and 25 into the record. We will do that.

I also want to remind everybody that the record will remain open officially for two weeks for anyone who wants to make or submit any comments on the testimony. You can send it to the Resource Committee at Longworth in Washington, D.C. We will make that number available to anybody who would like to have it.

I, too, want to thank Congressman Chenoweth from Idaho for coming here. I will tell you how important it is to have people who really understand this issue. She gave of her time today. In fact, she has to catch a flight out of here because she has to be back in Boise this evening. That is what her schedule looks like.

I want to thank Wally, a great friend. Even though he is not on the Resource Committee, he is very supportive and has helped us a great deal in getting legislation passed.

I want to thank the people of Oregon from Medford and the southern part of Oregon and wherever you came from. I want to thank you. I am so proud of your courtesy to each and every mem-

ber of this committee. We really appreciate that. It shows what good people you really are.

I want to thank all the people who testified today. I think we learned a great, great deal about this piece of legislation, how it is being perceived, how the U.S. Forest Service perceives it.

Maybe we can do some things to help them expedite this and, therefore, help save a very valuable part of our industry and of our economy and of our heritage.

Thank you very much. This committee is closed.

[Whereupon, at 1:40 p.m., the task force was adjourned, and additional material can be found at the end of the hearings.]

THE BOSTON GLOBE • THURSDAY, JUNE 1, 1995

Park Service chief, in Lowell, says cuts imperil smaller sites

By Scott Allen
GLOBE STAFF

LOWELL — Declaring America's heritage under "unprecedented assault," the chief of the National Park Service released a list yesterday of 200 small attractions, including the birthplace of John F. Kennedy in Brookline, that could be closed under budget cuts voted by Congress.

The Park Service director, Roger Kennedy, stressed that the historic sites, parks and monuments — including 10 in New England — are not being mothballed yet. But he said federal budget resolutions passed by the House and the Senate last month could leave him with few choices.

The targeted sites on the list would hit hard in the East, which is home to many small landmarks such as the Saugus Iron Works, the Springfield Armory and the Salem National Historic Site. In addition, a proposed recreation area for the Boston Harbor Islands would be impossible under the cuts, Kennedy said.

"Some people aren't paying attention to anything else except the current budget deficit," Kennedy told reporters at the Lowell National Historic Park. Members of Congress "want to take 10 percent out of the National Park Service, and we're telling you that's big enough to close the 200 parks that have the lowest budgets."

Republican congressional sources said Kennedy is exaggerating, and suggested that Congress may let the Park Service offset budget cuts by raising entry fees and leases for the private firms that sell food, lodging and other services in the parks.

Even if facilities close, they said, the closures are unlikely to include many of the facilities on the Park Service list, some of which are very popular.

"Parks like Saugus Iron Works and Salem Maritime are one of a kind. There is no reason to believe that they would be on anyone's short list," said Michael Armini, spokesman for Rep. Peter Torkildsen, a

Sites in Jeopardy

Interior Secretary Bruce Babbitt has said he may have to eliminate funding for the 200 smallest national parks and historic sites because of a 10 percent budget cut for the National Park Service voted by House and Senate Republicans. Here are the New England facilities on the list:

Park or Historic Site (Location)	Operating Budget
Salem Maritime National Historic Site (Salem)	\$1,028,000
Saugus Iron Works National Historic Site (Saugus)	614,000
Springfield Armory National Historic Site (Springfield)	613,000
St. Gaudens National Historic Site (Cornish, N.H.)	559,000
Longfellow National Historic Site (Cambridge)	389,000
Boston African-American National Historic Site	376,000
Weir Farm National Historic Site (Ridgefield, Conn.)	367,000
Roger Williams National Memorial (Providence)	299,000
John F. Kennedy National Historic Site (Brookline)	225,000
St. Croix Island National Historic Site (St. Croix, Maine)	54,000

SOURCE: National Park Service



Danvers Republican, whose district includes both.

Likewise, the Kennedy birthplace, a stately home on Beals Street where the president lived until he was four years old, has many defenders because of its historical importance.

Armini said the cuts are more likely to fall on high-cost facilities such as the Frederick Law Olmsted National Historic Site in Brookline, which cost \$381.33 per visitor last year, third highest in the system. Park Service officials defend the site, saying its purpose is not to draw visitors but to act as a resource for landscapers across the country.

The Park Service director, Kennedy, visited Lowell as part of a Clinton administration blitz intended to raise public awareness of the cost of Republican efforts to balance the federal budget by the year 2002. Interior Secretary Bruce Babbitt, who oversees the National Park Service, has already told Congress that, rather than a \$100 million cut, the nation's parks need \$5 billion more to catch up on maintenance and construction.

Kennedy said that the Park Service has already eliminated 35 to 60

percent of its administrative staff at regional offices, including Boston, leaving officials with no "fat" left to cut.

Kennedy said the agency decided to focus attention on how cuts would affect the smallest facilities because the House Resources Committee seems to be targeting them. The 54 large national parks, such as Acadia in Maine, could not be cut under the committee's parks reform bill.

"They don't like eastern and urban. They like big and green and big sky," Kennedy said of committee chairman Don Young, Republican of Alaska, and other Western legislators. He added, "These folks don't like cities much. They don't like people who live in cities much."

The National Park Service has found some support for a plan that would ease the impact of the budget cuts, however. By signifying increasing entry fees, Kennedy said the park service could raise up to \$60 million a year. In addition, the service could gain \$40 million to \$50 million a year by charging more for leases.

"This assault on the future is really unprecedented. Nobody has been so close to shutting down parks," Kennedy said.

GLOBE STAFF CHART



October 20, 1995

U.S. House of Representatives
Committee on Resources
Washington, D.C. 20515

After the disastrous fires of 1994 the representatives of the Wood Products Industry met with the USFS supervisors in Wenatchee and reinforced the need to remove the damaged timber as expeditiously as possible. Our main concern was that once timber is dead the decay process starts immediately be it through exposure, insects or disease. The 1989 Dinkleman fire was used as an example by both the Forest Service and industry as an example of good forestry and salvage logging. The Dinkleman fire burned extensive acreage in the same area as the 1994 Entiat burn. Salvage operations were in effect within eight weeks of the fire. The removal was a combination of tractor, cable and helicopter. The soil disturbance from these operations was minimal and no long term problems developed.

Immediately after the 1994 fires, private timber owners that had damaged timber processed permits and removed the timber. Omak Wood Products logged over 15 million feet from the fall of 94 through the spring of 95 from private landowners. The stumpage for the damaged timber averaged \$240 MBF, which was comparable to prices paid for undamaged green timber. By July the logs were showing signs of severe damage from exposure to the sun and insects. At this point we elected not to bid on fire salvage timber from the previous summer fires. Coincidentally, as OWP was exiting the fire salvage market the USFS was starting to advertise timber for sale from the fires. The reception from industry was predictable, many sales received no bids.

In meetings with the Okanogan National Forest Service staff, we were told that even with the rescission bill the USFS would require up to 15 months to process any salvage timber due to required reviews including the Resource Inventory Requirements, the National Environmental Policy Act, the National Forest Management Act and the Clean Air and Water Acts. From our experience salvage timber is merchantable for approximately 10 months.

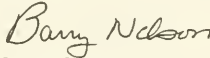
Current laws and necessary reviews cause an excessive amount of time to process salvage timber sales. We need a system whereby the forests are reviewed prior to fires. Fires are predictable and inevitable. We need a system set up to minimize the time necessary to prepare a salvage sale so that trees can be harvested without a significant financial loss to the government, industry and taxpayers.

Time is a primary concern with salvage timber. Another obstruction to industry bidding is the exorbitant cost associated with the salvage logging. Because of the intense pressure on the USFS and Washington State Department of Natural Resources by those opposed to harvest, the agencies have chosen to impose unrealistic harvest methods under the pretext of protecting the environment. The Dinkleman fire salvage operations were done with a realistic mix of tractor, cable and helicopter. Emphasis was given to harvesting in the winter when the ground was protected by frost and covered with snow. Today it appears that no thought is given to these options. Helicopter logging is considered the cure all. Helicopter logging costs are often the difference between the ability of a timber company to bid or not. The availability of the machines is unpredictable, they are limited in number, their lift capacity is limited and they are extremely expensive to operate.

The "Thunder Mountain" timber sale illustrates our frustration regarding salvage sales. On October 18, 1995, 15 months after the fire, the "Thunder" Timber Sale was scheduled for auction. No bidders were present from industry. Even at the \$4.24 a thousand minimum bid the sale was not feasible. The review from Omak Wood Products showed that we would lose \$800,000 on the sale if bid because of the excessive required harvest costs. By the USFS appraisal that is attached, you will see that the Forest Service by their own evaluation expects anyone that bids on the sale to lose \$337,199.86. The timber on Thunder Mountain has deteriorated to the point that is no longer merchantable. Another issue of concern by the timber industry is that by presenting the sale for auction the Forest Service gets credit for timber made available to industry and credited to their harvest plan. This type of response from the Forest Service is not acceptable. The timber should have been on the market a year ago when it had value.

Thank you again for your interest in our industry. If we are to survive we need changes that allow the appropriate, expedient review of salvage timber as required by law and its timely removal.

Sincerely



Barry Nelson
Resource Manager

APPRAISAL SUMMARY MBF

SALE INFORMATION

[illegible]

Vermin will us 2005

6 APRIL 2015

REPORT THIS VOLUME TO: SLR

65924

STATEMENT OF D.R. JOHNSON
REPRESENTING
THE MALHEUR TIMBER OPERATORS
before
THE HOUSE RESOURCES COMMITTEE
on
THE ISSUE OF TIMBER SALVAGE
OCTOBER 24, 1995

D.R. Johnson
D.R. Johnson Lumber Co.
P.O. Box 66
Riddle, Oregon 97469
(503) 874-2231

I WANT TO THANK THE CHAIRMAN FOR HOLDING THIS OVERSIGHT HEARING ON SALVAGE TIMBER. IT HAS BEEN NEARLY EIGHT MONTHS SINCE THE FIRST HEARING ON THE SALVAGE TIMBER ISSUE WAS HELD BY THE RESOURCES COMMITTEE. I THOUGHT WHAT YOU HAD DONE WOULD BE SUFFICIENT BUT I DID NOT FORESEE THE LEVEL OF OPPOSITION TO THE LAW FROM THE ADMINISTRATION. IN MANY WAYS WE ARE NO BETTER OFF THAN WE WERE BEFORE.

WHEN I PRESENTED MY TESTIMONY LAST FEBRUARY I MADE FIVE POINTS. THEY WERE: (1) SALVAGE TIMBER HARVEST CAN BE A PLUS FOR THE ENVIRONMENT; (2) THE SYSTEM FOR OFFERING SALES IN THE NORTHWEST IS BROKEN; (3) ONLY A SMALL WINDOW OF OPPORTUNITY TO HARVEST SALVAGE IS AVAILABLE WHILE IT RETAINS COMMERCIAL VALUE; (4) PRODUCTION VOLUME TARGETS ARE NEEDED. AND LASTLY, WE NEED TO GET A HANDLE ON HOW MUCH SALVAGE IS REALLY OUT THERE.

THOSE WERE THE POINTS MADE THEN AND I THINK FOR THE MOST PART ARE STILL VALID TODAY. THIS COMMITTEE AND THE ENTIRE CONGRESS PASSED AS A PART OF THE RESCISSION PACKAGE WHICH WAS SIGNED BY THE PRESIDENT, AN EMERGENCY TIMBER SALVAGE AMENDMENT. THE SALVAGE AMENDMENT IS A VERY WORKABLE PIECE OF LEGISLATION WHICH ACCURATELY ADDRESSES THE PROBLEM. THE WAY THIS ADMINISTRATION HAS INTERPRETED THE LAW AND IN MANY CASES IGNORED IT, HAS DONE VERY LITTLE TO IMPLEMENT WHAT MOST OF US FEEL WAS THE INTENT OF CONGRESS. ALTHOUGH THE LAW IS VERY CLEAR ON WHAT WAS TO BE DONE, THIS ADMINISTRATION HAS NOT RESPONDED EVEN THOUGH THE COURTS HAVE TOLD IT TO DO SO. IT HAS BEEN BUSINESS AS USUAL AND VERY LITTLE VOLUME HAS BEEN MADE AVAILABLE. THINGS HAVE NOT CHANGED ON THE GROUND AND WE ARE STILL LETTING VERY VALUABLE RESOURCE GO TO WASTE.

ONE POINT NEEDS TO BE HIGHLIGHTED SO THAT EVERYONE UNDERSTANDS WHERE THE PROBLEMS LIE. THE FORESTRY PERSONNEL ON THE GROUND THAT WE DEAL WITH, GENERALLY WANT TO BE RESPONSIVE. THEY HAVE SAID ON NUMEROUS OCCASIONS THAT IF THE WASHINGTON OFFICE WOULD GIVE THEM PERMISSION TO USE THE AUTHORITIES IN THE SALVAGE LAW, THEY COULD SAVE A SUBSTANTIAL AMOUNT OF THE RESOURCE. IT SEEMS VERY CLEAR, THE TOP LEADERSHIP IN THE FOREST SERVICE, THE SECRETARY'S OFFICE, AND THE WHITE HOUSE DO NOT WANT TO HARVEST SALVAGE TIMBER.

VERY LITTLE STABILITY HAS BEEN GAINED WITH THE CURRENT DIRECTIVES COMING OUT OF WASHINGTON TO THE FIELD. MORE MILLS ARE CLOSING AND MORE HARD WORKERS ARE LOSING THEIR JOBS. THIS ADMINISTRATION DOES NOT SEEM TO CARE. CONTRARY TO WHAT THE PRESIDENT SAID IN HIS JUNE 29, 1995 LETTER TO SPEAKER GINGRICH WHICH I QUOTE:

"I AM PLEASED TO BE ABLE TO ADDRESS MYSELF TO THE QUESTION OF THE EMERGENCY SALVAGE TIMBER SALE PROGRAM IN H.R.1944. I WANT TO MAKE IT CLEAR THAT MY ADMINISTRATION WILL CARRY OUT THIS PROGRAM WITH ITS FULL RESOURCES AND A STRONG COMMITMENT TO ACHIEVING THE GOALS OF THE PROGRAM."

AND LATER IN THE LETTER PRESIDENT CLINTON STATES:

"THE AGENCIES RESPONSIBLE FOR THIS PROGRAM WILL, UNDER MY DIRECTION, CARRY THE PROGRAM OUT TO ACHIEVE THE TIMBER SALES VOLUME GOALS IN THE LEGISLATION TO THE FULLEST POSSIBLE EXTENT. THE FINANCIAL RESOURCES TO THAT ARE ALREADY AVAILABLE THROUGH THE TIMBER SALVAGE SALE FUND."

WHAT THEY SAY AND WHAT THEY DO ARE ENTIRELY DIFFERENT. THE COMPLEX SYSTEM THE ADMINISTRATION HAS SET UP AND IS TRYING TO IMPLEMENT DOES NOTHING BUT PRODUCE MORE PAPERWORK, MORE STUDIES, AND MORE CONFUSION. IT CLAIMS TO BE JUST FOLLOWING THE LAW AND WHAT IS PRODUCED WILL STAND ALL THE COURT CHALLENGES AND MEET ITS ENVIRONMENTAL GOALS. IF ITS GOAL IS TO STOP SALVAGE TIMBER HARVEST AND NOT OFFER TIMBER SALES IT HAS BEEN SUCCESSFUL. EVERY DAY THAT IS LOST MEANS ADDITIONAL SALVAGE TIMBER VOLUME BECOMES NON-MERCHANTABLE, THAT IS THE RESULT OF ITS CURRENT POLICY.

THE CURRENT POLICY OF THIS ADMINISTRATION IS DICTATED BY OPTION 9. WE MUST KEEP IN MIND AND FULLY UNDERSTAND, THAT OPTION 9 IS NOT A LAW. IT IS A PLAN PULLED TOGETHER BY THE AGENCIES WITH A SCREENING PROCESS DESIGNED TO ANSWER EVERY ENVIRONMENTAL CRITIC'S CONCERN. IT HAS NOT WORKED, IT CANNOT WORK AND IN MY OPINION WILL NEVER WORK.

WHAT SHOULD WE DO NEXT? I HAVE SEVERAL SUGGESTIONS THE COMMITTEE MAY WISH TO CONSIDER. FIRST, CONGRESS NEEDS TO HAVE A VERY ACTIVE OVERSIGHT PROGRAM TO KEEP EVERYONE INFORMED OF THE STATUS OF THE SALVAGE PROGRAM. THE FORMATION OF THE SALVAGE TASK FORCE IS A BIG STEP IN THE RIGHT DIRECTION. UNDER CONGRESSMAN COOLEY'S LEADERSHIP IT WILL BE IN GOOD HANDS SINCE HE UNDERSTANDS THE PROBLEMS THAT WE ALL ARE FACING AND THE IMPACT IT IS HAVING ON THE GROUND. THE TASK FORCE MUST GET A HANDLE ON JUST WHAT THE FOREST SERVICE IS DOING, OR FAILING TO DO, AND DEVELOP SOME HARD NUMBERS ON THE SALVAGE SALE PROGRAM AND THE SALVAGE VOLUMES AVAILABLE.

SECOND, CONGRESS NEEDS TO DEVELOP AND PASS A LONG TERM SALVAGE PROGRAM THAT HAS TEETH. I KNOW THE VOLUME REQUIREMENTS WERE DROPPED FROM THE EMERGENCY SALVAGE BILL, BUT THEY ARE NEEDED IF WE WANT SALVAGE TIMBER VOLUME PRODUCED. THE BUSINESS AS USUAL ATTITUDE OF THE FOREST SERVICE HAS TO BE CHANGED AND I DO NOT FEEL THAT WILL HAPPEN UNLESS IT IS GIVEN FIRM DIRECTION FROM CONGRESS AND A CHANGE IN KEY PLAYERS MANAGING THE PROGRAMS. ALSO, ANY LONG TERM PROGRAM NEEDS TO BE CAREFULLY WRITTEN SO IT DOES NOT END UP BEING TIED UP IN RED TAPE AND COURT DECISIONS.

IN CLOSING, I WOULD LIKE TO THANK AND CONGRATULATE THE COMMITTEE FOR DOING SO MUCH IN SUCH A SHORT TIME. I DO NOT UNDERSTAND ALL THE HOOPS THAT YOU HAVE TO JUMP THROUGH TO PASS A PIECE OF LEGISLATION, BUT HANG IN THERE AND KEEP UP THE GOOD WORK. WHAT WE ARE ALL TRYING TO ACCOMPLISH WITH THE SALVAGE TIMBER PROGRAM MAKES SENSE, NOT ONLY FROM A FOREST HEALTH STANDPOINT, BUT FROM AN ECONOMIC AND ENVIRONMENTAL STANDPOINT AS WELL.

THANK YOU AND I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

TESTIMONY ON TIMBER SALVAGE ON PUBLIC LANDS

OCTOBER 24, 1995

David L. Bowden
Senior Vice President-Timber
Longview Fibre Company
Longview, WA

Major wildfire events in Chelan County, Washington consumed 120,000 acres in 1970, 55,000 acres in 1988, and 180,000 acres in 1994. Longview Fibre has 62,000 acres of timberland intermingled with, and surrounded by, the Wenatchee National Forest.

Six thousand acres of Company land were burned in 1988 and 9,000 acres were burned in 1994. Federal land management practices, and in particular salvage logging, are of enormous concern to us. In all but one case, the fires which destroyed our timber came from Federal lands.

An aggressive and effective salvage logging program on the Federal forest is needed, not just to protect and wisely utilize Federal forests, it is needed to protect adjacent landowners.

Timber salvage is the removal of dead trees; trees killed by fire, insects, diseases, and drought. Every forest has a necessary and desirable component of dead trees. We are not here to promote the removal of every dead tree. We are here to promote new regulations and new policies which will enable the U.S. Forest Service (USFS) to deal effectively with the crisis which now exists in the forests of the Western United States and, more specifically, in Eastern Washington.

Dead trees are a perishable commodity like fresh lettuce, fresh peaches, or fresh fish. Existing Federal regulations, new Forest Service priorities which put timber production in last place, and the recent elimination of field foresters from the Forest Service, have all worked together to create a situation where it appears that the USFS has neither the will nor the capacity to deal with the current crisis. Hundreds of thousands of acres are in need of immediate treatment to remove dead trees and thereby prevent destruction of the soils and long-term capacity of the land to grow forests which provide the habitats and goods and services we all need and desire.

After 30-plus years in the business and with direct observations of the long-term implications of leaving burned forests untouched, it is my opinion that the best way to protect soils and insure re-establishment of a vigorous healthy forest is to remove the bulk of the dead timber so that it will not fuel the next fire to an intensity that consumes the forest soil.

Seventy-plus years of successful fire suppression and livestock grazing have disrupted the natural wildfire regime in the forests of Eastern Washington and Oregon. Today's eastside forests have six to ten times more fuel per acre than historic fuel loadings. The fuels are more uniformly distributed and easier to ignite. Today's fires do not just kill the trees, they destroy the forests.

Fire suppression efforts of the past were not without merit. They undoubtedly prevented the recurrence of major conflagrations like the Tillamook burn or the great 1910 burn in Northern Idaho which killed hundreds of people and burned towns to the ground. What has been missing is a program to control the buildup of fuels in the forests that were being protected from fire.

Existing eastside forests are not pre-settlement, open-grown pine and Douglas fir with grass and scattered brush underneath. Because of the success of fire control efforts, there has been a natural invasion of Douglas fir, Western larch, true firs, ponderosa pine and other species. This has created dense, overstocked forests which are highly susceptible to fire, insect, and disease. The current forest condition in Eastern Washington is not sustainable. It will burn if we do not treat it. It probably could burn even if we do treat it; however, the fires in treated forest stands will not be as intense or destructive as fires in untreated stands.

The salvage and forest health issue must be dealt with on three levels:

1. Salvage of burned timber;
2. Salvage of trees killed by insects, disease, and drought; and

3. Prevention of the need for future large scale salvage operations through managed fuel reduction and stocking control.

We need to deal with the short-term and the long-term aspects of the problem. Short-term, we must move immediately to prevent reburns and thereby protect forest soils in a region where large areas have been devastated by fire, insects, and disease. Long term, we must initiate region-wide thinning and stocking control programs to gain some level of insurance against the recurrence of the unnaturally destructive types of fires the region has experienced in the last 20 years.

The 1994 fires in Chelan County covered 180,000 acres of timberland and caused severe damage to wildlife habitat. Two late-successional reserves (LSR's) were completely destroyed and approximately 30 percent of five other LSR's were also burned. Watersheds were damaged and there were enormous losses of timber that could have supported the local economy and provided significant returns to the federal treasury. One billion board feet of timber was burned by the 1994 fires in Chelan County. USFS plans to offer 120 to 130 million feet for sale. We predict that less than 70 million board feet will actually be sold and removed. This program will not adequately address the long-term impacts of these fires. Fire suppression costs were in excess of \$71 million and the fire rehabilitation program could be well over \$18 million.

The inability of the USFS to quickly react to this catastrophe has been disappointing. The small trees killed by these fires could have been used for lumber production if they had been harvested within one year; now they will have only chip value and, after two to three years, they have no commodity value at all. The first sales from the 1994 fires were offered in late summer of 1995. Major deterioration had already occurred due to checking, blue stain, and insect damage. The value of the timber for lumber production has been drastically reduced. While there are individuals within the USFS who see the problem and are honestly trying to get a salvage program up and running, it has turned out to be too little and too late. The new federal view of forests, existing regulations, and the lack of people who know how to lay out a timber sale that is economically or operationally practical, have made it impossible for the agency to deal with this most important issue.

What I have seen is inexperienced people trying to prevent imagined environmental consequences. Units which could be logged easily and with minimal disturbance by conventional ground skid or cable systems are being offered as helicopter logging-only sales. Fresh green timber with high log values can be logged by helicopter, but it is an extremely expensive way to log. Small sawlogs and pulp logs cannot be economically logged by helicopter. The cost of helicopter logging exceeds the value of the logs. There is no margin to pay for hauling the logs to the mill, much less for paying for the slash disposal and reforestation which are an integral part of the program. It is not just the use of helicopters which makes federal sales uneconomic, it is also a matter of bad design of the helicopter units. It appears that the people laying out helicopter units do not understand the factors which control the costs of helicopter logging or that they are so bound by regulations and policy that they cannot lay out an economically-viable helicopter unit.

In one case where we know there was an effort to lay out a logging unit based on conventional cable systems, the program was thwarted by restraints imposed by Option 9 guidelines calling for no new roads. In this case, it was a matter of only a few hundred feet of temporary spur road that was needed to convert an uneconomic and unmarketable helicopter sale to an economically-feasible cable unit. This is environmental overkill. The long-term consequences of not having a salvage logging operation are not being weighed against the short-term impacts of a few hundred feet of spur road. The big burns of 1970, 1988, and 1994 are tragic and irrefutable evidence that these lands will eventually reburn, and the ruinous consequences of leaving the enormous fuel volumes are equally as evident in the ashes of recent fires.

Many of the burned areas that are not being salvaged contain six to ten times as much fuel volume as was normal in these forests before the disruption of natural fire cycles by the successful fire suppression efforts. Reburns in these areas will burn deep into the soil because most of the currently standing dead trees will have fallen to the ground and created a heavy layer of fuel right on top of the soil. These future fires, reburns, will create sterile soils, devoid

of organic matter and the animals and fungi needed to sustain healthy forests. Because this is a transitional area between forest and non-forest types, many of the areas which were burned and will be reburned will be set back in the successional process to grass and sagebrush and will not reforest for many decades.

It is imperative that the most economical logging system be used. Perceived environmental protection, that is based on concerns about a crawler tractor passing over the ground once or twice in an 80-year rotation, is being traded for complete destruction of the forest ecosystem when wildfires consume timber, soil productivity, and habitat values.

USFS plans for the 1994 fires in Chelan County offer only 12 to 15 percent of the total burned volume for sale. This token effort will leave tens of thousands of acres overloaded with dead trees and burned logs in a situation which invites more insect outbreaks and more intense fires in the future, creating a significant threat to adjacent and surrounding private lands.

In contrast to what the USFS has not done, Longview Fibre started the salvage of our 9,000 acres of burned timberlands last October. Layout of the salvage program was occurring while the ashes were still hot. We have completed 85 percent of our salvage program, and this week we are starting the planting of over a million seedlings in the salvaged areas. We removed only the dead and dying timber and left every green tree possible to help with natural restocking, and to maintain growing stock. Our harvest volumes totalled 38 million board feet and stumpage values in excess \$7 million have been recovered. We have logged with conventional ground skidders and cable systems whenever possible. We have used helicopter systems, but only on a limited basis and only where economically-feasible or where there was not time to construct roads. We have successfully addressed siltation problems, and I will guarantee you that our logged and planted areas will, over the next several decades, be in better condition, growing bigger, healthier trees than the heavily-burned and unsalvaged areas on adjacent Federal lands.

The simple economics of salvaging these burned areas are that the products removed must be worth more than the cost of removing them. Merchantable sawlogs can easily pay their way if normal logging methods are used, but total costs must be allocated to carry the removal costs of low value material, even under favorable logging costs.

When the USFS requires helicopter logging of low value pulp in any area that can be logged with conventional methods, it is impossible to economically remove this material. As an example, the value of a delivered pulp log at our Leavenworth chipping facility is in the \$35 to \$50 per green ton range, depending upon current chip values. Logging and haul costs from Federal lands average \$38 per green ton for ground skidding, \$48 per green ton for cable skidding, and \$70 per green ton for helicopter logging.

In the months immediately after the fires, the Forest Service called together a swat team to design and coordinate their fire rehabilitation program. They rushed out onto the hillsides and felled standing trees. They brought in caterpillars and excavators and pushed dirt in stream drainages, operating in ways that would have a private landowner put in jail for violating State Forest Practice Rules. There seemed to be a great urgency and freedom from regulations and rules in their work. To us on the outside, it appeared that they had special powers to do anything and everything except load a log on a truck and use it to pay for all their effort. It seemed to us on the outside that they were only concerned about a short-term fix, not a long-term solution. For all the rehabilitation work over all of the 180,000 acres, they did not address the problem of the excessive fuel loadings that were going to nullify all their efforts over the long term. Why can't the USFS use its special rehabilitation powers and authority to do the salvage logging that is needed to insure the long-term success of their efforts.

We recently constructed a new sawmill near Leavenworth, Washington. This \$30-million-dollar facility was specifically designed to process small logs (less than 10" in diameter on the small end down to a 5" top). There is a pulp and paper industry in the Pacific Northwest that needs the chipable material that could be produced from salvage operations. All that is needed is a sensible logging layout and reasonable concern for logging economics to make the Federal timber sales economical. We want the wood, we need the wood; however, we cannot afford it, given the current irrational approach to logging unit layout now being applied.

Running a cable logging operation on steep ground or a skidder or caterpillar unit on flat-to-moderate ground with proper precautions is not damaging to the environment when all the factors are considered and a long-term view is taken.

So much for the salvage of burned areas. Timber salvage in areas devastated by insect and disease because of overstocked stands is an equally-important issue. Right now, today, there are hundreds of thousands of acres in the intermountain and Eastern Cascades regions that are covered with millions of dead trees. These standing dead trees have significant value as pulp logs and, in some cases, even some residual values as sawlogs. The most important issue is not their value, but the risk they pose as fuel for landscape-level stand-replacement fires. We need regulations and policies which do not just enable the Forest Service to act on this problem/opportunity, but which actually require the USFS to act on this problem/opportunity. To the extent that many of the insect and disease-killed trees still have value, there is an opportunity for the USFS to set up salvage operations which will create a positive return to the Federal treasury while eliminating a real and very serious threat to the habitats and environments provided by healthy forests.

We can minimize the fire salvage problem long term, by initiating a vigorous and wide-ranging salvage program for standing dead trees. We need a "Re-Hab" authority for facilitating the salvage of insect- and disease-killed forests. Allowing the millions of dead trees in the Pacific Northwest to fall to the ground and fuel the next round of devastating fires is a preventable, environmental disaster.

The third and final point in my presentation is that a timely salvage program will lessen the need for such programs in the future, and we can achieve that goal by dealing in a timely manner with the vast acres of overstocked, stressed stands in the region. The good news is that green trees have good value and should easily pay for all the costs associated with their harvest and that the industry has recognized the need to create markets for small logs; however, we do not have much time. Our forests are threatened right now. They are stressed and dying at alarming rates. Healthy, vigorous trees and the forests they create provide a multitude of benefits; environmental, economic, social. If we do not act NOW, we will not have healthy, green forests; we will have black, dead trees, loss of wildlife habitat, and streams choked by ash and silt.

Our choice is not whether these forests will be changed, but how they will be changed. We cannot afford to abdicate our responsibilities and allow the random but predictable events of nature to destroy these forests. There will be disturbance and removal of trees; the questions is only when and how. Timber harvesting practices have steadily improved and, in recent years, dramatic increases have been made in our knowledge of the potential impacts of logging. We can, and do, harvest timber in a way that does not produce significant impacts to forest soils or forest productivity. Timber harvesting provides our most powerful tool for protecting forest health. With well-designed harvests, we can control the species and vigor of forest trees. We can create fuel breaks to protect old growth resources and riparian buffers.

In our unburned forests, we need to prevent fires until we can reduce the fuel loadings to a more natural level. Our choice is to spend money on salvage logging, controlled burning, and fire prevention, or spend a whole lot more money on fire fighting and rehabilitation.

I urge you and your staff to visit our salvaged areas in Chelan County, Washington to see that environmentally-sound salvage operations are the answer to the problem, and thinning and fuel reductions in overstocked green stands must be accomplished to prevent further destruction of Federal and private timber in western interior forests.

FOREST HEALTH AND SALVAGE PROGRAM TESTIMONY

Committee on Resources
 U.S. House of Representatives
 1324 Longworth Houses Office Building
 Washington, D.C. 20515
 October 24, 1995

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SUMMARY OF COMMENTS AND RECOMMENDATIONS

1. This is not just a USFS issue. Adjacent and intermingled owners are threatened by the lack of salvage on Federal lands.
2. A timely salvage program will lessen the need for such programs in the future; however, to get there, we need immediate treatment of areas currently dominated by dead trees, and the vast areas of overstocked stands filled with trees of poor vigor.
3. Ground skid and cable logging, when properly conducted with today's technology does not have a long-term detrimental impact and short-term impacts can be reduced to acceptable levels by proper design of harvest units.
4. Helicopter logging is uneconomic except when dealing with relatively high value trees in difficult locations. Helicopter logging is generally not a useful tool to deal with existing forest health issues.
5. The USFS does not have the will or the regulatory flexibility to deal with forest health and fire salvage. New regulations and new policies are needed right now.
6. Forests always contain a component of dead trees and trees of poor vigor. We do not want to log every dead tree in the forest. It is the dense, mixed species stands that are in trouble and need to be opened up by thinning.
7. We are faced with a problem that is regional in scope. We must have people with forestry training in the USFS, people who can see the big picture, the inter-connectedness of all the issues, people who take a long-term view and understand the resiliency of forests.
8. Forests are dynamic and ever-changing. They cannot be locked up. Our choice is either to apply the science and experiences we have developed in forestry over the past 100 years, or to stand back and watch as the random, but predictable, forces of nature create catastrophic disturbances which have no benefit to society.

Perspective

Fire Control: Are We Neglecting Our Forests?

Based on my observations of the past 30 years, especially my recent experience on the firelines in eastern Washington, I think we have a crisis. I have watched firefighters with smoke in their lungs and heat on their faces give 120 percent to their jobs, but their efforts are not adding up to effective fire control. Our country's current firefighting priority systems, which seek to put safety first, structure protection second, and natural resource protection third, are failing on all accounts. The conflagrations of recent years have put more people at risk and burned more structures than ever. Something is wrong.

Due to a lack of adequate initial attack and firefighting resources, we have priority systems that force firefighters to expend precious resources on structure protection. It is my opinion that too much of the US fire control effort is in reaction to uncontrollable and randomly occurring threats, both real and perceived, to structures. The political and emotional hysteria associated with threats to structures creates its own firestorm, an environment in which firefighters can easily forget that their real objective is to put the fire out. Where is the long-term view? Are garages, barns, cabins, and houses so valuable to society that we are willing to sacrifice productive forests, water quality, habitat for endangered species, and local economies?

When compared to protecting a half dozen summer cabins, for example, there seems to be little worry over burning thousands of forested acres. Where is the concern for wildlife, water, fish, endangered plants and animals, soil erosion, forest productivity, and jobs? The millions spent to protect the spotted owl habitat seem to be irrelevant when a fire threatens a structure anywhere in the northwest region. The amount of effort devoted to saving our property should also be devoted to saving our forest ecosystems from further damage by wildfire.

Some of you may be

thinking that fire is a natural process in the forest ecosystem, so there shouldn't be concern for biological issues. You should think again. Talk to people who have experienced the fires of recent years. Sixty years of effective fire prevention and control have created forest fuel volumes that are greater than normal. There is no such thing as a natural forest in the Pacific Northwest today. It's not just fuel volume; more ladder fuels, more explosive fine fuels, and greater continuity of fuel in the dense understories have been created in the last six decades. Today, big fires are not just burning trees, they are destroying our forests.

Because the core issues of fire control are complex and political, it would be all too easy to recommend studies, reviews, and analyses. We need immediate action and change. Here are some things that can be done today:

1. Require that every forest firefighting decision and asset allocation be made in a way that directly contributes to putting the fire out.
2. Give priority to ongoing efforts aimed at fire control. Do not allow resources to be pulled from direct control efforts and given to structure protection efforts.
3. Initiate and expand public education programs that show people the dangers of wildfire and how to protect their own structures.

4. Rebuild initial attack and firefighting capabilities. Biologists, hydrologists, ecologists, surveyors, foresters, landscape architects, botanists, soil scientists, fisheries experts, and anyone else who works in the woods must be trained, tested, certified, and ready to fight fire. To the same purpose, forest landowners should review and upgrade the firefighting capabilities of everyone who works on their land. Logging companies, road builders, and others with crews in the woods should also ensure

that their employees are trained to fight fire and have the equipment to do so.

5. Roads provide escape routes, safe and speedy access for fire crews, and ready-made control lines. Road abandonment programs should be put on hold until a thorough analysis of their effect on firefighting capabilities is conducted.

6. Forest fuel volumes must be reduced and fragmented through aggressive thinning and controlled burning.

7. The heat-oxygen-fuel fire model is not adequate for dealing with fire control over the larger landscape. We need a new model—one that connects politics, structures, and fuel.

8. We must create a political and legal environment that allows firefighters to focus their limited resources on operations directly aimed at putting the fire out.

9. In fighting fires, we must make every effort to eliminate unnecessary risks. However, we must not allow legitimate concerns for safety to be elevated to a level that prevents work at the fire scene from focusing on putting the fire out.

10. There is no replacement for local experience and knowledge when fighting fires. In every district, some expert local crews must be kept at home under local control. Fire management must never be given over completely to nonresidents. No matter how skilled they are at firefighting tactics, they can never have the local knowledge that is essential for safe and efficient operations. Systems to protect buildings should be managed locally as well. Officials should work with landowners to set up structure-protection resources and systems that are independent of federal and state fire-control programs.

The best way to minimize danger to firefighters and to protect structures and forest resources is to get to work on the fires quickly, keep them small, and put them out.

About the Author

Wade C. Boyd is assistant manager of the timber department for Longview Fibre Company, 1139 18th Avenue, Longview, WA 98632.



To the House Committee on Resources, Timber Salvage Task Force;

My name is Jim Welsh and I reside in Elmira, Oregon, in Lane County. I am State Representative, District 43, serving Western Lane County and Northern Douglas County.

I am grateful to have the opportunity to appear before the House Committee on Resources, Timber Salvage Task Force. I must report though, what is happening in my county, Lane County and my House District 43 is utterly outrageous and criminal.

District 43 includes approximately 800 square miles of Lane County and 1600 square miles of Douglas County. Within this area there is some of the richest forest land in the Pacific Northwest. Trees grow quickly and abundantly supported by heavy annual rainfalls and rich soils. Nearly 50% of District 43 is BLM public land. I am here to report on the Warner Creek salvage timber sale in Lane County and the Roman Dunn timber sale in Douglas County.

Let me put into perspective the area of timber to be harvested that I will be talking about, as authorized by the Rescission bill, within District 43. There are approximately 700,000 acres of public timber in the district and 70 of those acres, which are the acres included in the Warner Creek Salvage timber sale and the Roman Dunn timber sale, are only 1/10th of 1% of total public timber in the District. There are other sales that were previously bought, being released in District 43. The Warner Creek Salvage Timber Sale is outside of District 43, but along with the Roman Dunn sale within the district they have attracted considerable negative publicity with the electronic media giving the protesters plenty of attention. All this attention has caused tremendous hardship to the logging companies abiding by the law and trying to carry on with business.

In Lane County the Warner Creek fire occurred in October of 1991. After four years of agency and special interest caused delay, there was hope of timber salvage on a mere 12 acres of a 9,000 acre burn. Nearly 50% of this burn could have been safely logged but the USFS preferred plan had to include a habitat conservation area and US Fish & Wildlife designated critical habitat.

Four years is too long of a delay before salvaging in order to recover quality material. Disease and decay take over at a rapid rate after two years. Four years is too long of a delay to establish forest rehabilitation procedures. The health of the Warner Creek area is at risk with dead and dying timber attracting insect infestation and extensive downed woody material that could contribute to an excessive future fire.

A well thought out, common sense plan should have incorporated the necessary dead snags for owl habitat, numerous acres for research and intensive reforestation procedures.

What we have today, four years later, is still another delay now involving environmental activists camping on the salvage site and blocking the entrance road with tents, a wooden barricade built with dead trees from the burn, large rocks, and ditches across the road.

The US Forest Service did not stop these people from altering public property, building fires in fire season, or camping without permission. The act of altering public property and ignoring fire season are criminal activities punishable by law. Not many people have been known to get away with these activities except the special interest environmental groups. According to a US Department of Justice definition, these activities are justifiably classified as domestic terrorism. Domestic terrorism is defined in a report titled Terrorism in the United States - 1994, Terrorist Research and Analytic Center, National Security Division, United States Department of Justice, Federal Bureau of Investigation, as "the unlawful use of force or violence, committed by a group(s) or two or more

individuals, against persons or property to intimidate or coerce a government, the civilian population or any segment thereof in furtherance of political or social objectives." The US Forest Service recently authorized arrests in Oregon at the Sugarloaf timber salvage site but so far not at Warner Creek. Why must the taxpayers of America put up with vandals on public forest land? Can the Congress of the United State do anything about this situation?

In District 43, the Hull-Oakes Lumber Company is logging 58 acres of BLM public land called the Roman Dunn Timber Sale. The 58 acres is only a partial sale of the original 1991 sale. The total sale was 142 acres, but 84 acres has been held up due to the listing of the marbled murrelet as a threatened or endangered species.

The Hull-Oakes Lumber Company was to begin logging the Roman Dunn sale September 15, 1995, but due to agency delays, were not able to begin until a week later. The logging activities have been further delayed by protesters at the logging site. The protesters have blocked the entrance road for hours while loggers have waited for authorities to arrive and remove them. The US Attorney's office has not been authorized to make any arrests unless there are unauthorized people or protesters and they are creating a safety concern in the logging site.

Some time around October 14-15, 1995, the on-site logging equipment was vandalized. The equipment was operated on Monday October 16th until it was noticed there was a critical problem with the engines. The engine oil was examined and found to have a very high iron content. I have brought a sample of what was found in the oil and present it for the record. The estimated damage is something over \$50,000 for repairs to the equipment.

This small family owned and operated logging company has been victimized by malicious criminal activity. Vandals poured an unknown substance in the crankcase oil sometime during the weekend. This incident has been reported to the BLM and the Douglas County Sheriff, who are investigating. Don Oakes, part owner and manager, stated, "This is out and out criminal mischief. Not only have they caused us tremendous financial harm, they placed our employees in considerable danger. The disregard these people show for human life, and their disrespect for the law, is contemptible."

I plead with the House Committee on Resources, Timber Salvage Task Force members, to help bring some justice into this situation at the Roman Dunn timber sale and at the Warner Creek salvage sale. Small family owned logging and milling companies can not withstand delays due to protests and criminal vandalism and sabotage. The environmental activists lie to the government officials and to the media calling their action civil disobedience, which they say should be allowed to protect their right to free speech. This goes far beyond civil disobedience. Altering and destruction of public lands and vandalism to private personal property is criminal activity.

The law abiding citizens and companies doing business on public land must be provided protection from criminal action against them and protected from loss of time created by agency delay due to their inability to take appropriate action within the law of the United States. It is past time that our agencies be held accountable for their lack of appropriate action. I ask that Congress take action to enlist the help of the Judicial and Executive departments in bringing a solution to this problem.

Sincerely Submitted by

Jim Welsh
Oregon House of Representatives
District 43
PO Box 458
Elmira, OR 97437-0458

To: Committee on Resources
U.S. House of Representatives

Warner Creek Salvage Timber Sale

Lane County, Oregon

Administered by United States Forest Service

Roman Dunn Timber Sale

Douglas County, Oregon

Administered by Bureau of Land Management

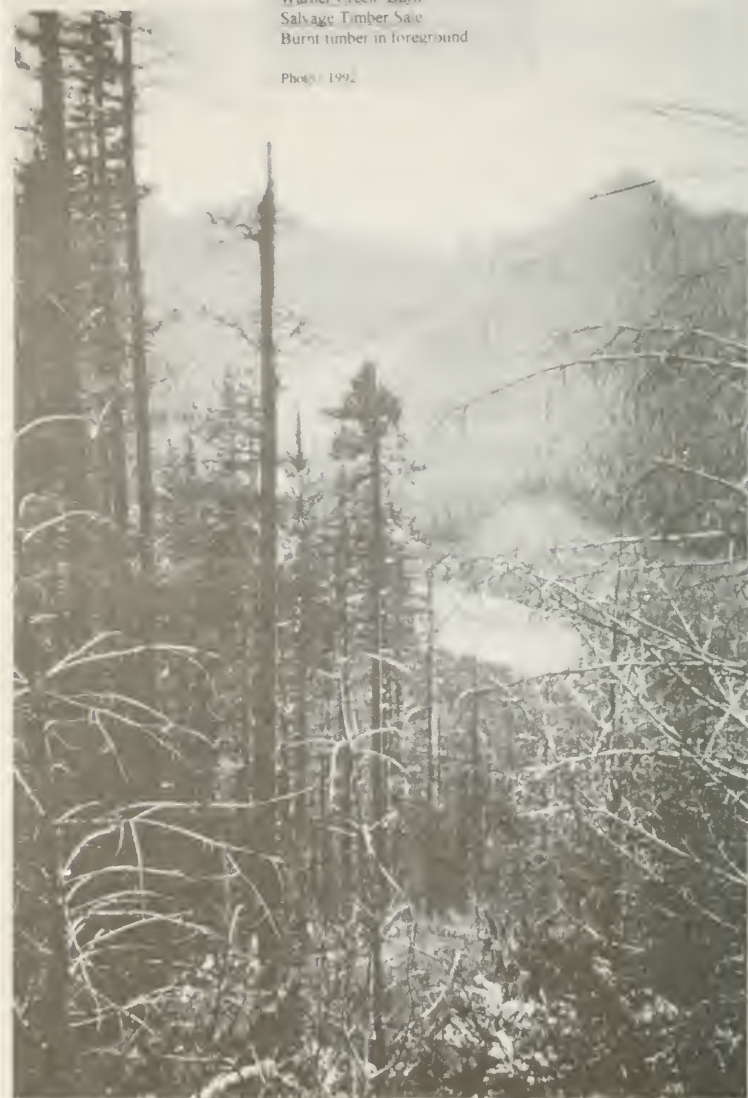
By: Oregon State Representative Jim Welsh
District 43 (Western Lane County & Northern Douglas County)

Warner Creek Salvage
Timber Sale

Lane County, Oregon
United States Forest Service
Bid Let to:
Thomas Creek Logging Company

Warner Creek Burn
Salvage Timber Sale
Burnt timber in foreground

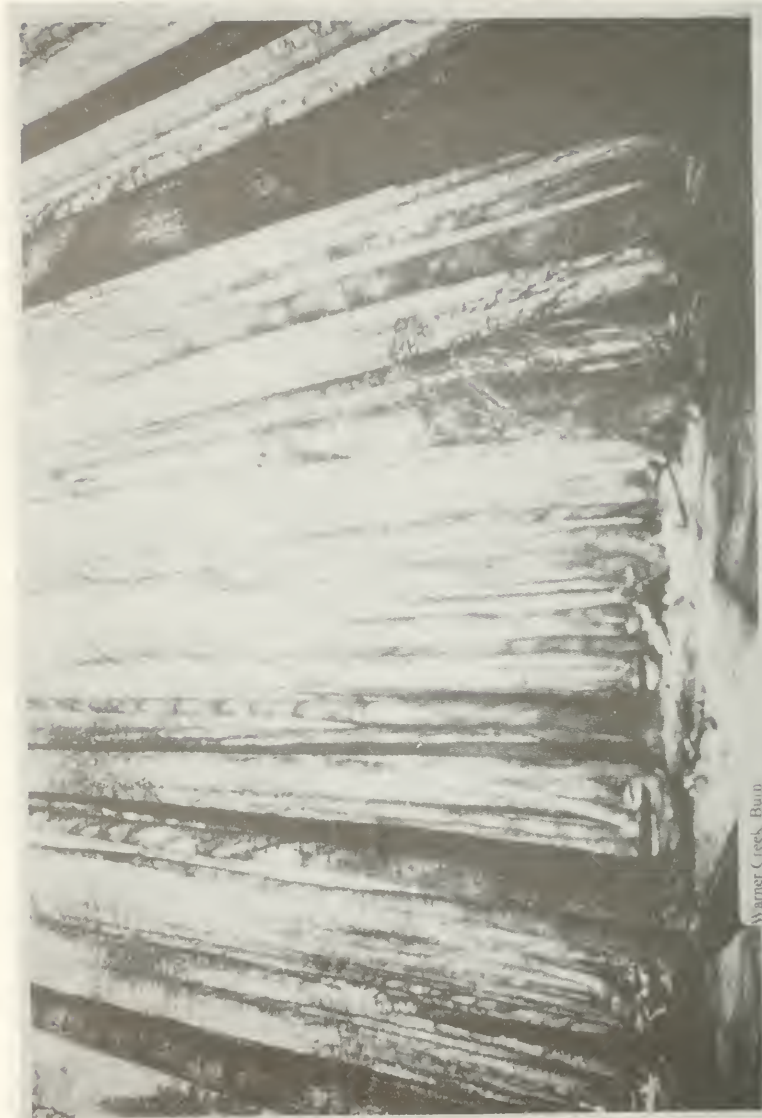
Photo © 1992





Warner Creek Burn
Salvage Timber Site
Burn timber

Photo - 091



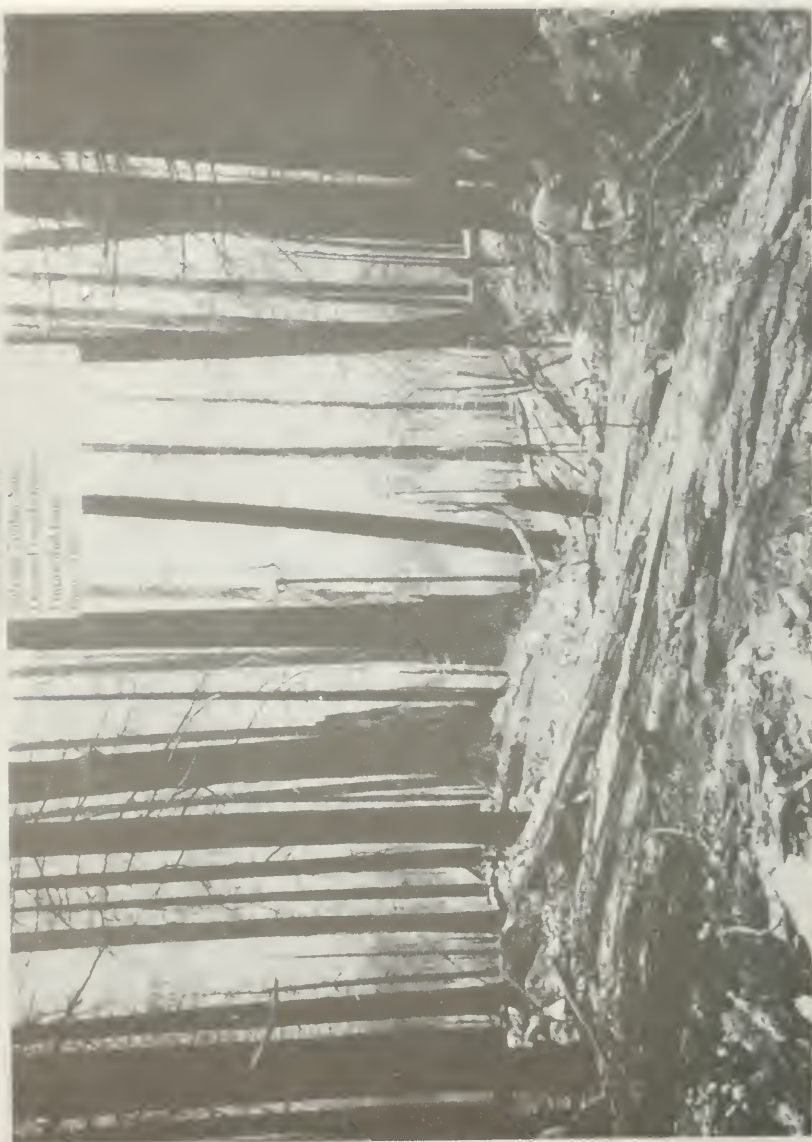
Warner Creek, Burn
Salvage Timber Sale
Burnt timber

Photo - 1992

Warner Creek Burn
Salvage Timber Sale
Burnt Timber
Road served as a fire break
Photo 1997



WATER TREATMENT
 PLANT, WILSON, CALIF.
 (1938) (1938) (1938)
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Warner Creek Burn
Salvage Timber Sale
Frozen after the fire in 1901

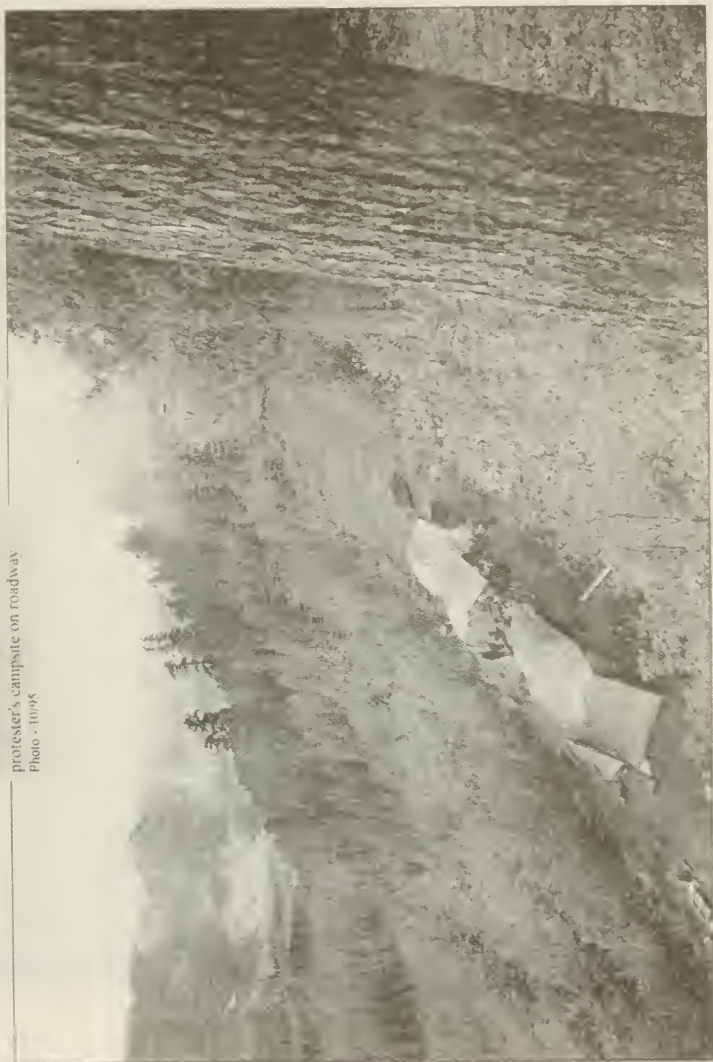
Photo 1992



Wameet Creek Burn
Salvage Lumber Sale
Downed woody debris
Put in fuel beds
Photo 1992

y, October 1, 1995

Warner Creek Burn
Salvage Timber Sale
Entrance to sale site blocked by
protester's campsite on roadway
Photo - 10/95



Warner Creek, Burr
Salvage Timber Sale
Newsaster standing in ditch dug by
protesters across roadway access to
the area. Photo: 10/95



LAURA HALL

NEWSWATCH



Warner Creek, Bur
Savage Linbet So
Printer cutting lo
own purposes
Photo 11-95

Warner Creek, B.C.
Salvage Lumber Sale
Protesters erecting winter access
wall to block access to timber sale
Photo - 1995





Warrior Creek, Burn
Salvage Timber Sale
Close-up of fires, with
protesters to block access to timber
sale area
Photo: 10/90

Warner Creek, Bor-
 sage, July 1965. Sam
 Phillips (center) took the
 photograph of the
 protesters' storage tent.
 Photo 15.



Steve Clidanas carries 1965 to 1966 protesters' storage tent near the Warner Creek site east of Oakridge.

Roman Dunn Timber Sale

Douglas County, Oregon
Bureau of Land Management
Bid Let to:
Hull-Oakes Lumber Company

Ronan Duan Timber Sale
Sale site in background and
in foreground illustrates
reforestation practiced in Oregon
Photo 10015



Roman Dunn Timber Sale
Activists block logger's truck from
going into sale site

Photo: [illegible]

9/30/95



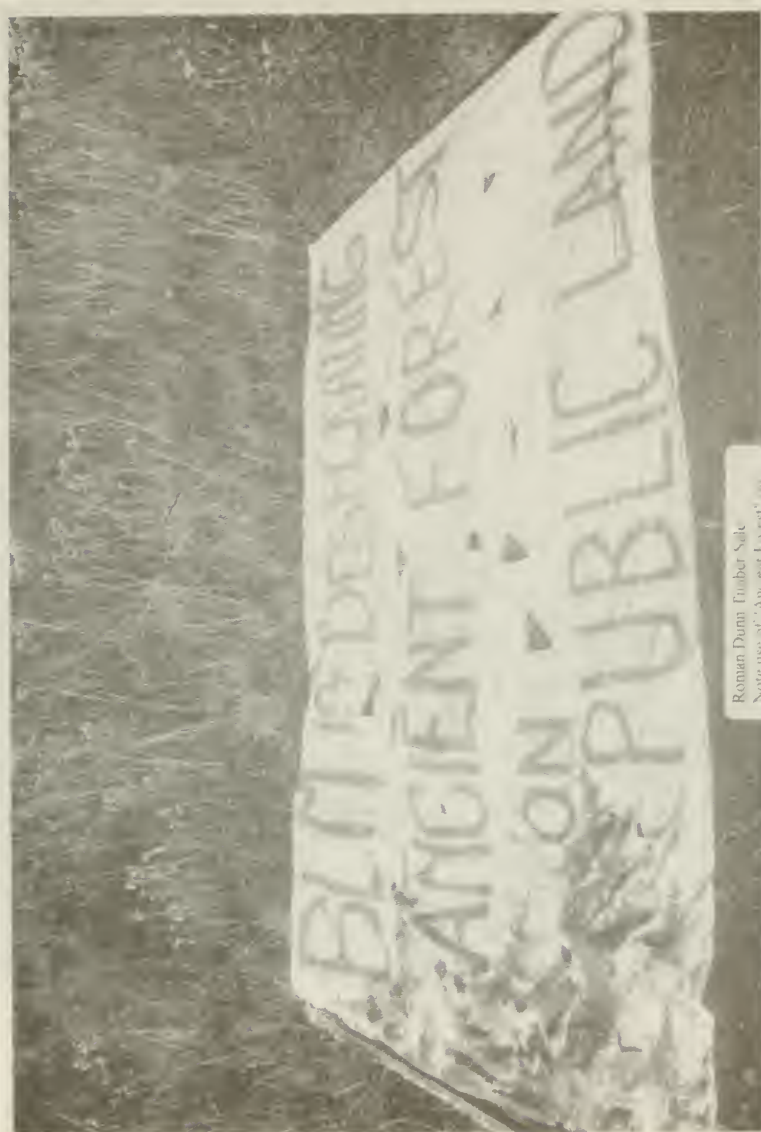
CHRIS PIETSCH/The Oregonian

Activists block a logger's truck near the Roman Dunn timber sale site. BLM officers persuaded the protesters to move.

Roman Dam Timber Sale
Protester's sign at access road to sale
site

Photo 11095





Roman Dunn Timber Sale
 Note use of "Ancient Forest" on
 protester's sign; previous photo
 shows 2nd growth forest. NCI
 Ancient Forest

Roman Dump, Timber Sale

Equipment sabotage by protesters at
site at sale damaged during week of
October 16-20, 1995
Photo - 10/21/95



Replaced engine \$27,500

Wor't know full extent of damage until later

Roman Dunn Timber Sale
Equipment sabotage by protesters on
site at sale damaged during week of
October 16-20, 1995
Photo - 10/21/95



Replaced engine \$22,500

Won't know full extent of damage until later

Roman Dunn Timber Sale

Equipment sabotage by protesters on
site at sale damaged during week of
October 16-20, 1995

Photo - 10/21/95



Changed oil, filters and flushed all fluids 9/1/96

Will know full extent of damage until later

Roman Dunn Timber Sale

Equipment sabotage by protesters on
site at sale damaged during week of
October 16-20, 1995

Photo - 10/21/95




Changed all filters and flushed all fluids \$1,000

Won't know full extent of damage until later

Heavy equipment maintenance



Heavy equipment maintenance



more havoc. The particles need only be large enough to stick out of the oil film, which is approximately .000001" thick. The oil filter catches above 180 grit (.0034"). Size 400 has particles of .0009", and size 600 .00033". This may seem too fine, but will last a long time.

and continue to cut. Sand, and even quartz, isn't much harder than steel, and so isn't as effective. However, a lot of it could potentially clog up the oil filter and cause the bypass valve to open up, allowing sand to get into the works. Removing the oil filter is probably not a good idea. It is better to run the engine until the oil pressure warning light comes on and then stop the engine and get it repaired to cause the oil pressure warning light to go on.

Abrasive materials in the fuel are also good, because they get pumped into the top of the cylinder and into the combustion chamber. Abrasive in the oil may erode the cylinder compartment. Abrasive in the oil may or may not get picked up by the filter.

oil pump. If the engine is not moved around much (for example, on a large crane), the gill may

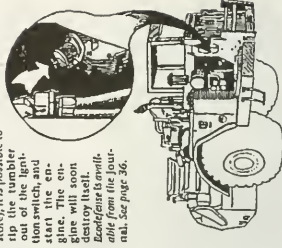
Water is cheap, and easily cleans up any spills. It also causes internal rusting. For this purpose, saltwater is far more effective, than ordinary water. Friday and Saturday nights are good for night-work, since any spilled water will have had plenty of time to dry before Monday morning when the workers return. Don't use so much water that the oil level rises too far. The goal is to leave no sign of tampering, so that the engine is run and destroys itself. Any sign of tampering will alert the workers to institute countermeasures.

small spout, such as a plastic yogurt container with a cover for carrying your supply of grit. Powdery abrasive should not touch the skin or be inhaled, so be careful when you use it. Washing grit down your nose is washing grit down

An abrasive material imbeds itself in the softer metal (in many cases, the tool itself) and the D-40 will help hide telltale specks on the dipstick.

chiller, parts that touch them be made of different metals) and cuts out bits of the harder metal, which also begins to circulate and cause more havoc. The particles need only be large enough to stick up out of the oil film, which is approximately .000001" thick. The oil filter catches above 180 gts. (.00034"). Size 400 has particles of .0009", and size 600 .00033". This may seem too fine, but will last a long time. "This may confuse you, but \$200,000, even larger, will not come to me. \$200,000, even larger, will not come to me."

much harder than steel, and so isn't effective. However, a lot of it could potentially clog up the filter, and cause the bypass valve to open up, allowing sand to get into the works. Removing the oil filter is probably not a good idea. It is rumored to cause the oil pressure warning light to go on.



"Dear Ned Ludd - A regular feature in "EARTH FIRST!" Journal. Should be titled *Private Property Destruction NOT Heavy Equipment Maintenance* EARTH FIRST

Page 4E

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TESTIMONY OF
PAUL F. EHINGER
Forest Industries Consultant

U.S. House of Representatives
Committee on Resources
Task Force on Salvage Timber and Forest Health

Tuesday, October 24, 1995
Room 1324
Longworth House Office Building
Washington, D.C.

Subject: Issues Associated with Timber Salvage
on Public Lands

My name is Paul F. Ehinger. I am an independent consultant to the forest products industry. My clients represent all categories of companies in the industry from the very smallest companies to some of the largest. Their one common interest is that nearly all of them are or have been dependent directly or indirectly on the federal timberlands for a portion of the raw material necessary to operate their mills. I am here today to give testimony with reference to the timber sale program, and the impacts that the failure of the agencies to meet the congressional budget goals has had on the local citizens and community. The new salvage program is a ray of hope on an otherwise dismal scene and we in the Pacific Northwest eagerly await its' success.

Prior to becoming a consultant, I was responsible for the operation of all types of mills: sawmills, plywood plants, and veneer operations, millwork operations, wood treating plants. These mills were also suppliers of mill residues (chips, shavings, and sawdust) to various types of board plants and pulp mills. The common denominator of these mills was that they were all located in small rural towns in the west and were primarily dependent on the national forests for

Paul F. Ehinger & Assoc.

their timber supply.

My career in the industry spans almost 50 years, and I have been involved with federal timber through this entire period of time.

In the consulting business, I began tracking the closure of primary mill operations over 10 years ago. When the current crisis in timber supply began to rear its head in the late 1980's, I became concerned that the people making decisions to abruptly close down timber harvest on the national forests and BLM lands did not understand the impact of their actions. These actions have been devastating to the lives of people and destroyed the lifeblood of numerous rural communities in the Northwest who were dependent on the federal resource for their economic base. A map showing these communities is on the following page (Exhibit 1).

In my testimony today I plan to touch on three major points:

1. The current timber sale process - a history of failure. Can the new salvage program succeed in this environment?
2. The economic and social cost to the people in the Pacific Northwest as a result of these federal actions and policies.
3. The economic cost to the consumer of building products resulting from the implementation of these policies.

TIMBER SALE PROGRAMS

The timber supply for many mills in the Pacific Northwest continues to be a major problem. The development of new sources of logs throughout the West and beyond United States' boundaries remains active although at a much slower pace as opportunities become fewer. The failure of the federal agencies to produce a meaningful timber sales program during 1995 has again taken the slack out of the timber supply lines, and the already short supply situation for timber in the West continues. The summary table below indicates the continued lack of a federal timber sale program today.

MILL CLOSURES 1989 - PRESENT

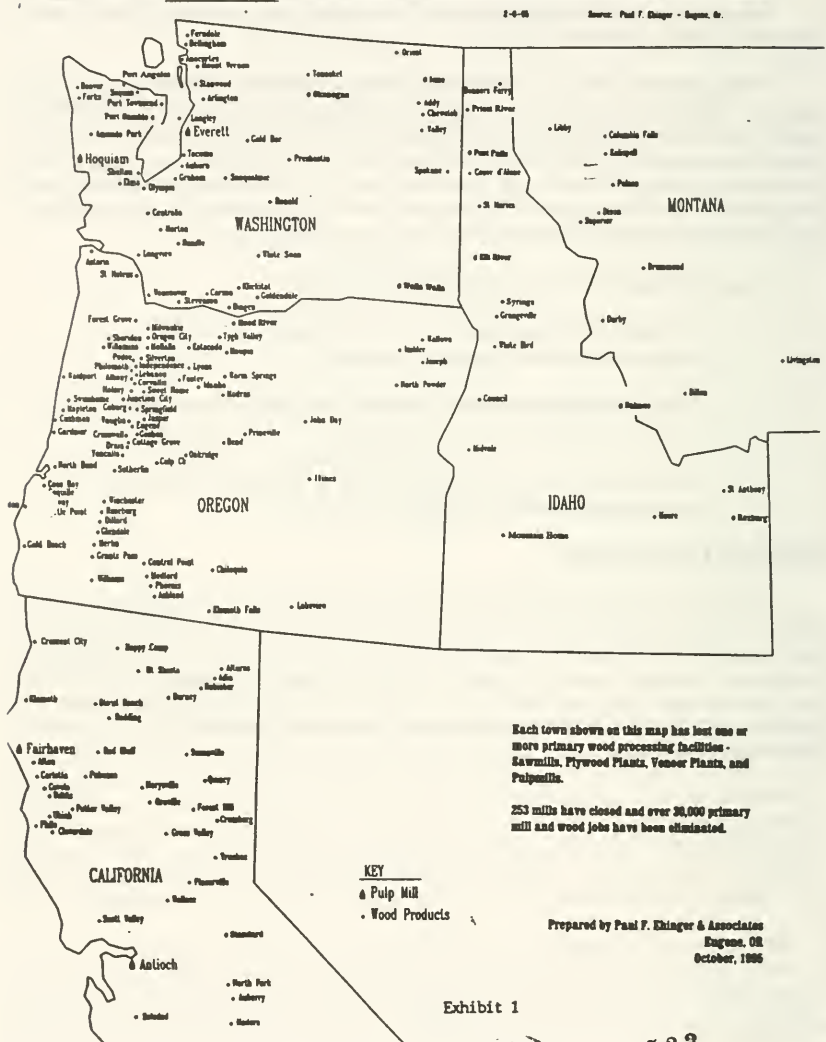


Exhibit 1

(46)

21-523

Federal Timber Volume Sold
Net Merchantable Sawtimber
Volume in MMBF

<u>Area</u>	<u>Fiscal</u>		<u>1995</u>
	<u>1993</u>	<u>1994</u>	
Region 6-OR/WA	412	216	259
Oregon BLM	34	7	115
Region 5-CA	450	242	224
Region 1-North ID/MT	<u>297</u>	<u>145</u>	<u>93</u>
Total - Million Board Feet	1,193	610	691

*Preliminary estimates of 4th quarter sales

Total harvest in 1994 in this same area was 1.838 mmbf, or 3 times the timber sales program. The sales program for fiscal 1995 shows little improvement. These are the ingredients that continue to produce permanent mill closures and economic areas for employees and their communities.

This never ending shortfall in federal timber continues to catch up with the mill capacity and mill closures follow. In the five-state area, the closures are maintaining a steady pace of one every two weeks as the timber sale program is relegated to an insignificant priority in the management of our federal forests. Reality indicates that we are reaching the end of the line for mill closures, and after another year or two there will be no more mills left to close that are dependent on the federal timber resource as the timber sale programs approach zero.

Private timber cannot replace the timber volume lost as a result of the changing of federal timber management policies in the late 1980's and the 1990's. The rapid escalation in timber prices due to the artificial timber shortage spawned a short but rapid rush to fill some of the void from private timber resources, and the especially from the small ownerships which were targeted for early harvest in this effort. The private harvest rose sharply but quickly returned to previous levels and will decline even further as the result of the brief but intensified harvest from these lands.

Log imports from foreign countries to the West Coast continue to receive a lot of publicity, but the quantity is meager and does not make much of a dent in the overall short supply crisis. The available figures indicate about 25 to 40 mmbf of logs were imported in the last twelve months to the Pacific Northwest.

Log exports from the West Coast during 1994 declined by about 10 percent when compared with 1993. The activity in 1995 is similar to 1994.

Paul F. Ehinger & Assoc's

West coast lumber production dropped by 10% in 1995 over 1994 as a result of declining log supply and the related mill closures. This trend will only end with a change in federal timber policies including the new timber salvage program as a key element of that change. This program will promises to restore some activity to the logging scene if the program fails the decline in mill closures will continue until the western industry has completely adjusted its' mill capacity to the supply of timber available from private and non-federal sources. The communities whose economies are tied to the federal forests will gradually "die on the vine" if there is no change.

The courts continue to occupy center stage in the activities surrounding federal timber supply. Every action by the agencies and even by the congress is challenged in the courts at every turn, making orderly activities of timber management almost impossible. The ink was not dry on the current salvage legislation before it made its' first entry to the courtroom and indications are that an appeal of the judge's decision is imminent.

THE SALVAGE PROGRAM -- IS IT AN EFFORT OF FUTILITY?

This is a major program that congress has passed to increase the volume of timber to be salvaged from the federal forests, both USFS and BLM. It to some degree was in response to the inability of the agencies to initiate an active salvage, program after the disastrous fires in the summer of 1994 as well as the failure to salvage from earlier fires, other timber blown down in storms, and insect killed timber. This program encompasses the entire federal system with the objective of improving forest health through salvaging dead and dying timber and to provide much needed logs for mills, to stabilize distressed rural communities and to provide wood products at reasonable cost to the consumer.

Even if this legislation turns out to be stronger on rhetoric than results it will still be an initial mile post on the road to restoration of a more balanced management program for the federal forests. A program that begins again to consider the welfare of local people as one of its most important goals, as originally intended by the Congress, when large tracts of Western timber were first reserved and set aside at the beginning of this century.

Implementing this new legislation will be the biggest problem that confronts both the congress and administration. The task will be primarily in the hands of an organization (the USFS) that has found it difficult to implement even the most modest timber sale programs budgeted in 1994 and 1995.

The agencies appear to be enamored by the process and are not focused on the product or results. This is only partly the agencies' fault inasmuch as the existing laws and regulations under which they operate leave little latitude for them to extract themselves from the administration quagmire in which they now find themselves. This is particularly true after the political and judicial systems have each placed their individual imprints on the details of how forests are to be managed by continually increasing restrictions on the tools the agencies can use and by placing new and creative interpretations on existing laws which frustrate reasonable

activities.

The new timber salvage law was designed to permit the agencies to move forward promptly and begin executing parts of the program as soon as the legislation was passed in order to begin an expedited movement of salvage timber to the mills at the earliest possible date. This would permit the early salvage of fire and bug killed timber prior to deterioration and provide logs to timber starved mills and continued employment in many rural communities.

The two years since the Timber Summit in Portland, Oregon, has demonstrated that the Clinton Plan (or Option 9) has turned into a "scam". The eloquent promises have floundered as bureaucrats have scrambled to identify every species of plant or animal in the forests and for each species they have proposed every conceivable scientific option for providing for its' needs. In so doing, there is no longer any latitude left to permit the orderly harvest of timber from the local forests to process in the mills and provide a livelihood for the people in the rural West.

We sincerely hope that this new salvage program does not become another "scam." Based on recent history, the Agencies, i.e., USFS and BLM as currently structured and staffed, has only a limited capability necessary to execute a program of the magnitude that has been legislated. During the last two years the present administration has stripped the Agencies of nearly all of their expertise in timber sale administration and preparation through their extensive early retirement programs. The remaining personnel have neither the skills nor knowledge to efficiently conduct such a program, and more important, there appears to be little motivation by the organization to carry out the proposed timber sale program such as directed by this legislation. So far, this administration has prevented any effective restoration of a timber sale program by quietly changing both the capabilities and the culture of the organizations that manage our federal forests.

The following analysis of the total timber sale program is necessary in order to understand the magnitude of the problem confronting the Congress, to accomplish timber salvage programs. We need to examine the status of the current budgeted program for Fiscal Year 1995, a year which is completed, to see the problem. The timber sale program that was passed by Congress and currently in operation for FY 1995 provided funds for 1,604 million board feet of timber sales in the three western regions. This is roughly four times their 1994 timber sale program in terms of net sawtimber volume.

FY 1995 Current Budget-Timber Sale Program

. Volume in mmbf

	<u>Salvage</u>	<u>Green</u>	<u>Total</u>
Region-1 ID/MT	255	125	380
Region 5-CA	350	250	600
Region 6-OR/WA	<u>338</u>	<u>286</u>	<u>624</u>
	943	661	1604

The best estimate of timber sales performance for FY 1995 based on Timber Data Company Stumpage Price Reports for the first three quarters and preliminary data for the fourth quarter as indicated below:

TIMBER SOLD FY 95 NET MERCHANTABLE SAWTIMBER

Region 1	93
Region 5	224
Region 6	<u>259</u>

Total Performance - 34% of Budget = 576
in terms of sawtimber.

If we increased these levels of timber sale performance in 1995 by adding historic volumes of firewood, culls, and miscellaneous products to the current level of performance, we would reach only 57 percent of the annual budgeted target. This dismal record of performance in the field shows no meaningful response to meet the current congressional budget goals. Therefore, the addition of the new proposed salvage program were not add additional timber not already in the 1995 or 1996 budgets if the Agency can't even make its way to the starting line, 1995 or the 1996 programs already budgeted.

1996 PROPOSED TIMBER SALE PROGRAM

	*Administration Budget mmbf	**New Salvage Legislation mmbf	Total mmbf
R. - 1	335	190	525
R. - 5	488	340	828
R. - 6	798	440	1,238
	1,621	970	2,591

*Data provided April 1995

**Estimated share of Program Salvage program

This creates a proposed timber sale program for FY 1996 (administration budget plus the salvage program) greater than any program executed since 1990 when the "318" program was completed.

I commend the direction and effort, but someone, somewhere, somehow has to develop a formula for success where none exists today. The courts won't help, the administration won't

Paul F. Ehinger & Assoc

help, the Agencies presently haven't the ability to help; therefore, Congress must seriously address and execute the steps needed to convert today's dream into tomorrow's reality.

The timber sale programs of this and the previous administrations have had a 100% failure rate for as long as I have been reporting on the current crisis, and the shortfalls are of a magnitude that defy anyone to relate the original budgeted plan to the final product.

Before any meaningful programs can occur, certain changes must be made.

1. Changes are required in key laws, National Environmental Protection Act (NEPA), Endangered Species Act (ESA), National Forest Management Act (NFMA), to more nearly coincide with the original intent of Congress when they were passed. They must provide the flexibility for reasonable people to be able to manage private and public lands without excessive interference in the conduct of their daily business. Judge Dwyer legally approved Option 9 last June, but actions continue to demonstrate that his endorsement hasn't stopped the flow of litigation. This frivolous litigation still has the power to completely halt or effectively delay even the programs that have been given judicial approval. The game is the same, only the names of the players have changed.
2. Changes are required in the government leadership or in the attitude of the leadership if any timber program, including this salvage, is to progress beyond the conceptual stage to reality. The lack of business management and leadership skills is apparent regardless of differing resource management philosophies. Today's continuing gridlock is not just a difference between competing philosophies, it is a product of inadequate leadership reflected in the inability of the agencies to function as cohesive units, meet defined goals, and get results.
3. Congress and the Administration, must set the tone that gives the concerns of the local people some priority in management of the federal forests. We often hear government representatives, in both public and private statements, lament the loss of support for their actions by local people. They fail to understand that it is the federal government's apparent abandonment of the people in the rural Northwestern communities that fosters this adversary relationship. The people in charge of our federal forests today listen to a different drummer. Strong congressional leadership is needed if we are to restore even a limited balance which is the hallmark of this current salvage legislation.

SUMMARY

My belief is that the primary forest products industry in the West will eventually stabilize at a level that can be supported by private, state, and BIA timber. Federal timber, which historically provided 40 percent of the sawtimber to western mills as a group will, in the future, provide only 10 percent of the timber requirements a volume of 1.2 billion board feet if no help is forthcoming from the government. The thread of hope for something better rests in the hands of Congress, and we hope that the direction of this new salvage program will lead to a change in direction of the overall timber management that will restore a degree of optimism in the rural timber communities and their people in the Pacific Northwest.

CALENDAR YEAR TOTALS 1988-1994 - FEDERAL TIMBER STATISTICS

USFS Region 1 - Northern Idaho/Montana

USFS Region 5 - California

USFS Region 6 - Oregon/Washington

BLM - Oregon, O & C & Other Lands

	YEAR	BLM/OR	Volume in Million Board Feet			TOTAL
			REG 1	REG 5	REG 6	
HARVEST	1988	1,706	825	1,974	4,698	9,203
	1989	1,248	936	1,758	4,201	8,143
	1990	702	795	1,324	2,916	5,737
	1991	554	689	1,136	2,442	4,821
	1992	560	665	843	1,612	3,680
	1993	389	492	584	1,272	2,737
	1994	81	391	342	700	1,614
SOLD	1988	936	826	1,760	4,294	7,816
	1989	703	772	1,116	2,690	5,281
	1990	1,071	627	1,138	4,929	7,765
	1991	521	632	462	676	2,291
	1992	25	375	467	478	1,345
	1993	34	262	413	304	1,013
	1994	17	106	108	190	421
VOLUME	1988	1,576	2,072	2,986	7,589	14,223
UNDER	1989	1,032	1,787	2,234	5,460	10,513
CONTRACT	1990	1,335	1,559	2,013	6,215	11,122
AS OF 12/31	1991	1,271	1,429	1,276	4,223	8,199
EACH YEAR	1992	741	1,135	919	2,932	5,727
	1993	398	895	904	1,870	4,067
	1994	306 *	604	631	1,268 *	2,809

* As of 11/1/95 approximately 176 million board feet of BLM timber and 482 million board feet of USFS timber is unavailable for harvest because of appeals, litigation, and delayed and protracted consultation with the U.S. Fish & Wildlife Service.

All figures net merchantable sawtimber.

Source: USFS, BLM, Timber Data Co.

Compiled by Paul F Ehinger & Associates 4/95

FYCY9894

The chart on Exhibit 3 shows the decline in the timber programs of the federal timber agencies in the Pacific Northwest. We continue to emphasize that harvest level will have to come in balance with the sales program. There was a difference of over 1.1 billion board feet in CY 1994 between harvest and sale of federal timber.

WHAT DOES A USFS TIMBER SALE PROGRAM INCLUDE?

When the USFS announces its timber sale program plans or performance, the average person believes the quantity of timber designated represents the volume of logs harvested from the federal forests and sold to the local sawmills or plywood plants. This perception is often quite misleading. The following table shows the components of the timber sale program as it was executed in the Calendar Year 1994 for the U.S. Forest Service Regions 1, 5, and 6. This data is from the Agency's own Cut and Sold Report.

A total of 813 mmbf was the reported volume sold in Calendar Year 1994, but only 446 mmbf or 55 percent was sawtimber. Firewood is second with 22 percent of the volume, and pulpwood third with 10 percent. The pulpwood has consisted primarily of insect-killed dead and dying Lodgepole Pine on the Deschutes and Winema National Forests in Oregon. It is interesting to note that while there is militant opposition to the current salvage program, there has never, to my knowledge, been a murmur about the ongoing salvage program for Lodgepole Pine in areas of which has been a regular part of the timber sale program for the past several years. These operations have both clear-cut and selectively cut thousands of acres of dead and insect infected Lodgepole Pine in accomplishing the salvage goals and forest health. This is the best way known to manage this severe insect problem in the forests. It accomplishes the further objectives of utilizing the salvaged timber for wood chips, which have been in short supply, reducing the fire hazard, slowing or halting the active insect infestations, and setting the stage for a new vigorous crop of Lodgepole Pine trees for future generations.

TIMBER SOLD-CALENDAR YEAR 1994
REGIONS 1, 5, 6

Product	Region 1 ID/MT		Region 5 CA		Region 6 OR/WA		Total All Regions	
	Volume	Percent	Volume	Percent	Volume	Percent	Volume	Percent
Sawlogs	102	64.4	122	45.2	222	57.4	446	54.9
Pulpwood	6	4.0	0.4	0.2	75	19.4	81	10.0
Post & Pole	6	3.9	4	1.6	9	2.4	19	2.3
Firewood	26	16.4	82	30.6	72	18.6	180	22.1
Misc.	9	5.9	51	19.1	0.4	0	60	7.4
Culfs	9	5.4	9	3.3	9	2.2	27	3.3
Totals	158	100	268.4	100	387.4	100	813	100

Volume mmbf - Log Scale

Compiled by Paul F. Ehinger & Assoc

Source USFS Cut & Sold Reports

CY94R166

The purpose of this brief segment is to show that the published data on the annual sale

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performance means many different things. During 1994 in region 3 (Arizona and New Mexico), firewood volume was over 40 percent, almost equal to the sawtimber volume sold during the same period. It is also important to note that the volume of products sold, such as firewood, do not decline proportionally when the sale of sawtimber declines. Firewood and culls are low value products and are measured with a minimal degree of precision so the volume data has a low degree of reliability and the accuracy varies widely between with differing management units and differing local practices, all which tend to distort the overall level of timber sale performance in the eyes of the public.

MILL CLOSURES - THE CONTINUING ECONOMIC TRAGEDY IN THE RURAL PACIFIC NORTHWEST

Mill closures have continued at a steady pace of one every other week since the beginning of 1994, and through October, 1995 with no relief in site.

One relatively new observation that comes from our compilation of auction data is that secondary manufacturing operations are showing up on the auction block with much greater frequency than at any previous time in memory. The obvious logic to this situation is that the secondary operations are confronted with similar raw material shortages and intense competition that have impacted the primary sector in the West as it continues to decline. Several of the more recent closures of primary producers have been in the Ponderosa Pine region. The reduction in the availability of Ponderosa Pine lumber, which is a preferred specie for millwork, will continue to take its toll on the secondary industry. The U.S. Forest Service controls the majority of Ponderosa Pine sawtimber in the Western United States, which means to some degree the fate of some of the millwork industry is clearly in the hands of the federal government as the pine sawmills continue to close at an accelerated pace.

In order to deal with the problem of wood availability, some secondary producers are changing from the preferred types of wood and species to new types of wood and different species that are more readily available, i.e., LVL, Eastern hardwoods, and various species of pine from outside the U.S. or any other raw material that shows promise for their specific product line. The ingenuity of the American businessman, as always, has surfaced to sustain the life of many of these secondary manufacturing operations. How much of the industry will be sustained and for how long is yet to be determined in the face of the loss of many local sources and preferred types of wood.

Below is a summary of primary mill permanent closures from 1989 to the present in the Pacific Northwest.

MILL CLOSURE SUMMARY
Oregon, Washington, California, Idaho, Montana
Mills Closed Jobs Lost

1989	24	2563
1990	55	4184
1991	49	3829
1992	43	4732
1993	33	2361
1994	28	2502
1995 to date	22	1742

The following is a detailed summary by states of the permanent closures since 1989. Oregon stands out as the state where the loss of mills and jobs has been the greatest. Oregon is also the state with the largest volume of federal timber and the mills were 55 to 60% dependent on federal timber for their operations. The 1995 mill closures in Oregon have already exceeded the total for 1994 by four mills. Over half the 1995 closures are in Oregon.

MILL CLOSURE SUMMARY BY STATE
1/1/89 TO 10/15/95

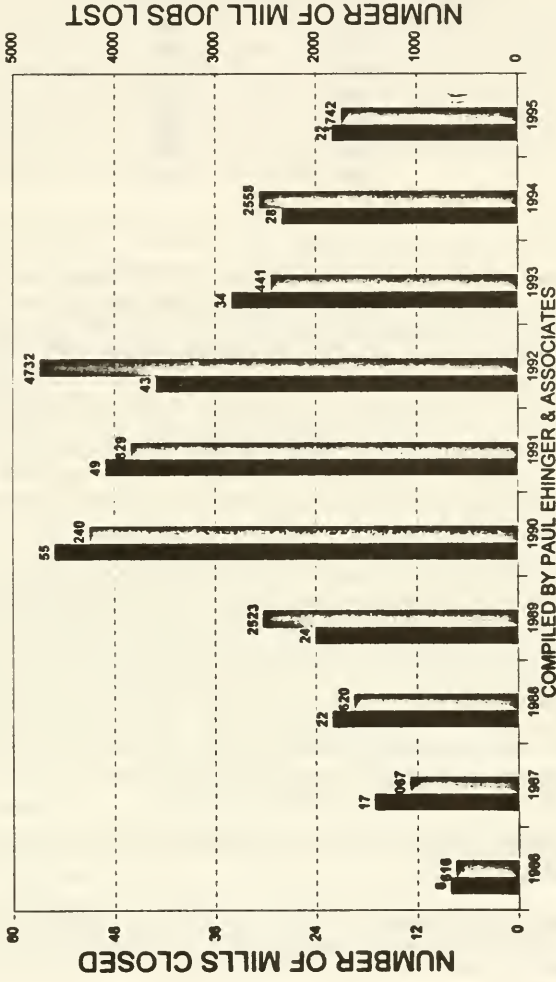
	<u>SAWMILLS</u>		<u>PLYWOOD/VENEER/OTHER</u>		<u>TOTAL ALL MILLS</u>	
	<u>No. Mills</u>	<u>No. Employees</u>	<u>No. Mills</u>	<u>No. Employees</u>	<u>No. Mills</u>	<u>No. Employees</u>
Oregon	62	5,769	53	5,900	115	11,669
Wash.	42	1,941	17	1,661	59	3,602
Calif.	43	3,925	4	672	47	4,624
Idaho	19	922	0	0	19	922
Montana	14	1,123	0	0	14	1,123
TOTAL	180	13,680	74	8,233	254	21,940

*Two pulp mills closed in each state



In addition to the 21,940 mill jobs lost, an additional 11,200 woods jobs have been curtailed during this same period.

With almost no new mills being built during the last decade, the number of operating mills has followed the decline in federal timber supply. The following is a summary of mills in the States of Oregon, Washington, California, Idaho, and Montana that continue to operate, which includes producers of lumber, plywood, veneer, various boards, and pulp.

OR/WA/CA/ID/MT MILL CLOSURES SAWMILL/PLYWOOD/PANEL/VENEER/PULP



COMPILED BY PAUL EHINGER & ASSOCIATES

 NO. MILLS CLOSED
  NO. JOBS LOST

SOURCE: EHINGER & ASSOCIATES

MACOMRCE/PA 1995

OPERATING MILLS

<u>YEAR</u>	<u>NUMBER OF MILLS 12/31</u>
Oregon, Washington, California, Idaho, Montana	
1988	708
1989	685
1990	631
1991	581
1992	540
1993	507
1994	480
1995 10/15	458

Source: Ehinger & Associates

The future of many mills in this region hinges on certain changing conditions relating to wood supply. We believe as earlier stated that the region has reached the limit of timber supply that can be sustained by the new, log sources developed for the mills in the Pacific Northwest over the last two or three years. The timber from small nonindustrial landowners has leveled off and in almost every state in the West this source is on a decline. Much of this timber from small private ownerships on the West Coast went to the export market, which also declined in 1994 and remained at these levels in 1995. The drop in lumber prices during 1995 has made some of the more distant sources of timber unprofitable for mills in today's market. We will have to await the return of stronger markets before we can assess the potential of these timber sources that have been developed over the past couple of years that are located on the economic fringes of today's timber market.

With these unsettled conditions, we see the continued closures of mills (Exhibit 2) as inevitable unless there is an early and major breakthrough with these proposed new federal timber salvage program and a major improvement by the agencies performance in meeting their existing planned and budgeted timber sale goals. Throughout 1995, logs have been increasingly difficult to find on the open market, and to date there continues to be no measurable relief from increased timber sale activity on the federal lands. There is an urgent need to move the salvage program forward today. The longer term security of the remaining mill towns in the Northwest depends on the agencies meeting their commitments for the regular congressionally budgeted timber sale programs, a goal that has been a total failure in the past several years. The results of these programs are shown in Exhibit 3 at the end of the report.

THE CONSUMER ALWAYS PAYS - 20 BILLION DOLLARS IN THREE YEARS AND STILL PAYING

The impact of the changed Timber Management Policies for federal lands on national and international wood markets has been largely overlooked, because it is defused over a wide area. The magnitude of the softwood lumber and structural panel shortages caused by these abruptly

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revised policies has increased cost of building materials astronomically not only in the U.S. and Canada but around the world.

In addition to shortages of lumber and panel products, we have this past year witnessed shortages of wood chips for pulp and paper both in the U.S. and Canada. The soaring paper prices created concern and unrest in the marketplace. Part of the price increase is attributable to a temporarily over-taxed pulp and paper plant capacity accompanied by heavy demand produced by a strong economy. The remainder of the problem is because of the raw material (wood chip) shortage which, along with these other factors, has translated into the same steep raw materials price increases for the producers of pulp wood and paper and result in the excessively high prices that the consumer is now paying for paper products.

These same market forces and short raw material supply situation have also increased prices for hardwood lumber, hardwood panels, non-structural boards (i.e., particle board, hardboard, MDF, etc.). The increased cost to the consumer has been all pervasive.

Our analysis is limited to softwood lumber and structural panel products only and just in the United States to show the dramatic price increases paid by the consumer of these products. This extraordinary cost increase is at most solely as a result of the abrupt change in federal forest management policies. To measure these excess costs to the consumer, we have used the composite price indices for softwood lumber and structural panels published by Random Lengths, the major price reporting source for these products in the United States as the basis for our calculation.

The artificial timber shortage in the United States began with the change in Forest Service timber management policy. The Spotted Owl management program which later became Option 9 or the Clinton Plan was the first step in the changing forest management programs which began to noticeably impact the industry's timber supply in 1987. This began with the Spotted Owl initial litigation and subsequent curtailments of federal timber offerings. The process began to dramatically reflect in the marketplace by mid 1991 when prices briefly soared to all-time highs. The real sustained level of higher prices did not begin until 1992, and from that time forward, the country experienced the most dramatic price increases of wood building materials in the history of the United States. Even with recent declines in the market, the high prices continue to remain at levels well above those prior to 1993. (See the following page)

From 1984 through 1991, in spite of record demand for wood products, the annual rate of price increase was only 2.6 percent for lumber and 2.0 percent for structural panel products. The consumer price index increased at a rate of 4.6 percent during this period. The sustained surge in prices for wood products began in 1992. To show the excessive premium paid by consumers. We measured the difference between a projected five percent rate of increase and the actual Random Lengths price index of the product to calculate the excess costs. The annual price increases during the three-year period were 25 percent for lumber and 18 percent for structural panel products. This difference was applied to the total volume of U.S. softwood lumber and

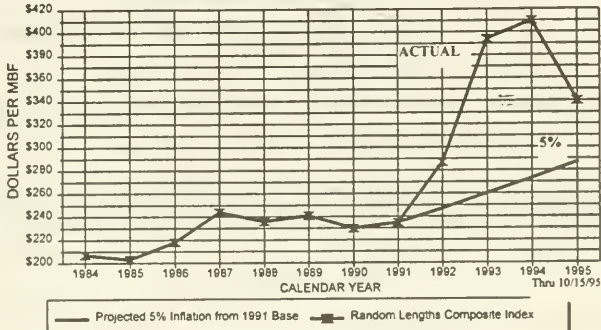
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panel products consumed each year to arrive at the excess costs paid by the U.S. consumer. This calculation shows that the premium paid by the consumers of wood products for these past three years has exceeded 20 billion dollars. The graphs and charts on the following page illustrate this phenomenon. For the home buyer, this translates into an estimated \$5,000.00 additional cost for an average 1,900 square foot home.

In spite of the market decline, during 1995, the annual increased cost to the consumer is still 4.5 billion additional dollars per year above a projected 5 percent inflation rate.

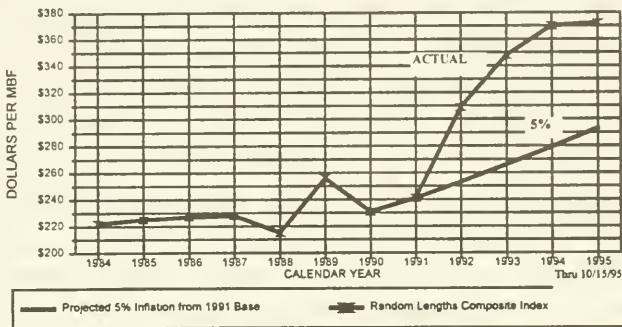
As in all such matters where the government is involved, the consumer and/or taxpayer always end up paying the bill.

SPOTTED OWL IMPACT ON LUMBER COSTS



PAUL F. EHINGER & ASSOC.
OWL/CORTES/LAR 1/95

SPOTTED OWL IMPACT ON PANEL COSTS



PAUL F. EHINGER & ASSOC.
OWL/CORTES/PANEL 1/95

STATEMENT OF
MARK GAEDE, ACTING DEPUTY UNDER SECRETARY FOR FORESTRY,
NATURAL RESOURCES AND ENVIRONMENT
AND
GRAY F. REYNOLDS, DEPUTY CHIEF FOR NATIONAL FOREST SYSTEM
USDA FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the Task Force on Salvage Timber and Forest Health
Committee on Resources
United States House of Representatives

Concerning Agency Performance in
Processing Timber Salvage Using Section 2001 of Public Law 104-19
Emergency Appropriations and Funding Rescissions Act

Washington D.C.
October 24, 1995

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to discuss how the Forest Service and Bureau of Land Management (BLM), in cooperation with other agencies, are implementing the timber-related activities authorized in Public Law 104-19. We are accompanied by Nancy Hayes, Chief of Staff and Counselor to the Director of BLM and other agency representatives to answer your questions today. The President has directed the Departments of Agriculture, Commerce, Interior, and the Environmental Protection Agency (EPA) to implement this law in a way that, to the maximum extent allowed, follows our current environmental laws and programs. We are submitting for the record the directive from the President regarding the implementation of the timber-related provisions to Public Law 104-19.

Results from Initial Implementation of PL 104-19

Due to our efforts to implement the salvage provisions of the Rescission Act, the Forest Service anticipates exceeding its pre-rescission 1995 programmed level of timber salvage offer by 200 million board feet (MMBF). Offering 1.7 billion board feet (BBF), instead of 1.5 BBF in 1995. This places the Forest Service on track to meet the Rescission Act goal of 4.5 BBF (+ or - 25%) by the end of CY 1996. In addition, the BLM has met its target for FY 1995 of 77 MMBF of salvage timber. The BLM's goal is to offer another 115 MMBF in FY 1996 and 37 MMBF, or more depending on availability, in the first three months of FY 1997. The President stated that his Administration will carry out the program with its full resources and strong commitment to achieving the goals of the program; and the Forest Service and BLM are doing exactly that.

The agencies understand that timber killed by fire or insects decreases in volume and value over time. We share the conviction of this Congress that, where appropriate, dead timber should be harvested before it deteriorates to the point that it is not economically feasible to harvest.

We have seen some reduction, nationally, in demand for timber salvage. In some locations sales offered have received no bids. In such cases, sales are usually reworked to increase their

marketability. The Forest Service did this recently on the Boise National Forest where previously unbid sales were reworked and sold. We want to work with industry, and have asked for its input on ways to make salvage sales more marketable. We hope to continue these discussions at the local and regional levels.

We are also involving the public early in the planning process so that they have an opportunity to provide input and become involved in monitoring our performance. Our goal is to maintain and promote good working relationships with the public and tribal, state and local government entities.

Background

The President was moving aggressively on timber salvage before enactment of Public Law 104-19. In direct response to the concerns emanating from the wildfires of the 1994 season, the President directed the Forest Service and BLM to pursue timber salvage as part of restoration efforts for the areas affected by the fires.

Implementing Public Law 104-19

We are moving forward very quickly to implement the timber-related provisions of PL 104-19 as directed by the President, Secretary Glickman and Secretary Babbitt. As part of this direction, President Clinton requested that the Departments of Agriculture, Commerce and Interior and the EPA implement this law, to the maximum extent possible, in a manner that follows our present environmental laws and programs.

On August 9, 1995 the Forest Service, BLM, FWS, NMFS, and EPA signed a Memorandum of Agreement (MOA), which explicitly outlines the new streamlining procedures, coordination and collaborative efforts that are now being followed to implement PL 104-19. I am submitting the MOA to you as part of the record.

The streamlined consultation process has focused on interagency cooperation, resulting in greater teamwork, reduced delays, and minimized disputes.

The Forest Service and BLM are working cooperatively with all affected parties to ensure an orderly timber salvage program.

This completes my testimony. I would be happy to answer any questions you may have.

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GENERAL SERVICES ADMINISTRATION

WHITE HOUSE

WASHINGTON

August 1, 1995

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR
 THE SECRETARY OF AGRICULTURE
 THE SECRETARY OF COMMERCE
 THE ADMINISTRATOR, ENVIRONMENTAL PROTECTION
 AGENCY

SUBJECT: Implementing Timber-Related Provisions to
 Public Law 104-19

On July 27th, I signed the rescission bill (Public Law 104-19 which provides much-needed supplemental funds for disaster relief and other programs. It also makes necessary cuts in spending, important to the overall balanced budget plan, while protecting key investments in education and training, the environment, and other priorities.

While I am pleased that we were able to work with the Congress to produce this piece of legislation, I do not support every provision, most particularly the provision concerning timber salvage. In fact, I am concerned that the timber salvage provisions may even lead to litigation that could slow down our forest management program. Nonetheless, changes made prior to enactment of Public Law 104-19 preserve our ability to implement the current forest plans' standards and guideline and provides sufficient discretion for the Administration to protect other resources such as clean water and fisheries.

With these changes, I intend to carry out the objectives of the relevant timber-related activities authorized by Public Law 104-19. I am also firmly committed to doing so in ways that, to the maximum extent allowed, follow our current environmental laws and programs. Public Law 104-19 gives us the discretion to apply current environmental standards to the timber salvage program, and we will do so. With this in mind, I am directing each of you, and the heads of other appropriate agencies, to move forward expeditiously to implement these timber-related provisions in an environmentally sound manner, in accordance with my Pacific Northwest Forest Plan, other existing forest and land management policies and plans, and existing environmental laws, except those procedural actions expressly prohibited by Public Law 104-19.

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I am optimistic that our actions will be effective, in large part, due to the progress the agencies have already made to accelerate dramatically the process for complying with our existing legal responsibilities to protect the environment. To ensure this effective coordination, I am directing that you enter into a Memorandum of Agreement by August 7, 1995, to make explicit the new streamlining procedures, coordination and consultation actions that I have previously directed you to develop and that you have implemented under existing environmental laws. I expect that you will continue to adhere to these procedures and actions as we fulfill the objectives of Public Law 104-19.

William J. Clinton

MEMORANDUM OF AGREEMENT
ON TIMBER SALVAGE
RELATED ACTIVITIES UNDER PUBLIC LAW 104-19

between

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

UNITED STATES DEPARTMENT OF THE INTERIOR (DOI)

UNITED STATES DEPARTMENT OF COMMERCE (DOC)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)

AUGUST 9, 1995

BACKGROUND

The President signed the rescission bill, Public Law 104-19, July 27, 1995, that provides supplemental funds for disaster relief and other programs, as well as making cuts necessary to an overall balanced budget plan. The President did not support the provision concerning timber salvage. Nonetheless, the bill preserves the ability to implement current forest and land use plans and their standards and guidelines, and to protect other forest resources such as clean water and fisheries. Accordingly, the President called for carrying out the timber salvage program in ways that further our current environmental laws and programs.

PURPOSE

The President directed, in a letter signed August 1, 1995, that the Secretaries of Agriculture, the Interior and Commerce, and the heads of other cognizant agencies move forward to implement the timber related provisions of Public Law 104-19 in an expeditious and environmentally-sound manner, in accordance with the President's Pacific Northwest Forest Plan, other existing forest and land management policies and plans, and existing environmental laws, except those procedural actions expressly prohibited by Public Law 104-19.

The purpose of this MOA is to reaffirm the commitment of the signatory parties to continue their compliance with the requirements of existing environmental law while carrying out the objectives of the timber salvage related activities authorized by Public Law 104-19. In fulfilling this commitment, the parties intend to build upon on-going efforts to streamline procedures for environmental analysis and interagency consultation and cooperation.

The USDA Forest Service and DOI's Bureau of Land Management are responsible for providing a full range of social, economic, and environmental benefits from publicly owned

natural resources using an ecosystem approach. DOI's Fish and Wildlife Service, DOC's National Marine Fisheries Service and EPA are responsible for providing assistance to, and consultation and coordinating with, the Forest Service and Bureau of Land Management under the Endangered Species Act of 1973 (ESA), National Environmental Policy Act of 1969 (NEPA) and other environmental laws.

NOW, THEREFORE,

THE PARTIES AGREE TO:

1. Comply with previously existing environmental laws, except where expressly prohibited by Public Law 104-19, notably in the areas of administrative appeals and judicial review. In particular, the parties agree to implement salvage sales under Public Law 104-19 with the same substantive environmental protection as provided by otherwise applicable environmental laws and in accordance with the provisions of this MOA.
2. Achieve to the maximum extent feasible a salvage timber sale volume level above the programmed level in accordance with Public Law 104-19 within a framework of maintaining forest health and ecosystem management. Adhere to the standards and guidelines in applicable Forest Plans and Land Use Plans and their amendments and related conservation strategies including, but not limited to, the Western Forest Health Initiative and those standards and guidelines adopted as part of the President's Forest Plan for the Pacific Northwest, PACFISH, INFISH, and Red-cockaded Woodpecker Long-Term Strategy, as well as the goals, objectives, and guidelines contained in the NMFS biological opinion on Snake River Basin Land Resource Management Plans (LRMPs), through the interagency team approach agreed to in the May 31, 1995 agreement on streamlining consultation procedures. The agencies will direct their level one and two teams to apply the goals, objectives, and guidelines contained in the NMFS biological opinion on the Snake River Basin LRMPs as the teams deem appropriate to protect the anadromous fish habitat resource.
3. Involve the public early in the process so that there is an opportunity to provide input into the development of salvage sales, particularly in recognition of the importance of public involvement given the prohibition to administrative appeals contained in Public Law 104-19. Maintain and promote collaboration with other Federal, Tribal, State and local partners.
4. Reiterate their commitments to work together from the beginning of the process, particularly in salvage sale design, building on existing joint memoranda that streamline consultation procedures under Section 7 of the ESA including the following two agreements, other applicable agreements, and improvements thereon:
 - o - The May 31, 1995, agreement on streamlining consultation procedures under section 7 of the ESA, between Forest Service Regional Foresters of Regions 1,4,5, and 6; Bureau of Land Management State Directors for

Oregon/Washington, Idaho, and California: Fish and Wildlife Service Regional Director; and National Marine Fisheries Service Regional Directors.

- o - The March 8, 1995, agreement on consultation time lines and process streamlining for Forest Health Projects, between the Chief of the Forest Service, Director of the Bureau of Land Management, Director of the National Marine Fisheries Service, and Director of the Fish and Wildlife Service.
 - o - The March 8, 1995, agreement as it applies to consultation timelines and process streamlining will be revised to apply nationwide.
5. **Ensure that personnel from their respective agencies work cooperatively and professionally to implement faithfully the objectives of Public Law 104-19 and Executive Branch direction in a timely manner.** In the event that disagreements cannot be resolved at the regional level (Level 3) of the process, a panel consisting of appropriate representatives of the Forest Service, Bureau of Land Management, National Marine Fisheries Service, Fish and Wildlife Service, and EPA, will review the evidence and make a binding decision within 14 days of notice of the disagreement.
 6. **Agree to conduct project analyses and interagency coordination consistent with NEPA and ESA (as set forth in paragraph 4 of this MOA) in a combined joint environmental assessment (EA) and biological evaluation (BE) called for in Public Law 104-19, except where it is more timely to use existing documents.** There will be a scoping period, as described in agency guidelines, during the preparation of all salvage projects. Sales that would currently fall within a categorical exclusion promulgated by the Forest Service or Bureau of Land Management in their NEPA procedures will require no documentation absent extraordinary circumstances. For sales that the Secretary determines, in his discretion, ordinarily should require an EA under the land management agencies' NEPA procedures, agencies will prepare the combined EA/BE, including a determination of affect under ESA and circulate the analysis for 20 days of public review and comment. For sales that the Secretary determines, in his discretion, ordinarily should require an EIS under the land management agencies' NEPA procedures, the combined EA/BE will include an analysis consistent with section 102(2)(c) of NEPA and will be circulated for 30 days of public review and comment. The decisionmaker will respond to substantive comments on the EA/BE, but will not be required to recirculate a final EA/BE.
 7. **Develop and use a process which will facilitate interagency review of proposed salvage sale programs on a regional scale, thus allowing other agencies to identify broad-scale issues and help set priorities for allocation of their resources.**
 8. **Include mitigation needs identified in the environmental assessment in timber sale design to the extent possible within existing authority. As appropriate, funds will be used for mitigation work not included in the timber sale area.**

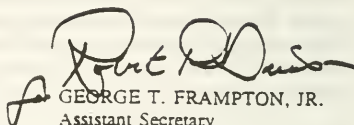
9. Measure performance of all parties' and individuals' efforts involved in the development and implementation of timber sales prepared pursuant to this MOA based upon the combined achievement of the goals set forth in this MOA.
10. Monitor and evaluate timber sale objectives and mitigation requirements as an integral part of salvage sales and the salvage program as prescribed in Forest Plans, Land Use Plans and agency direction. Public and stakeholder involvement in monitoring and evaluation will be encouraged. There will be a national salvage program review involving regions and States with significant activity under this Act.
11. Recognize and use the definition of salvage timber sale as contained in Public Law 104-19, which is a timber sale "for which an important reason for entry includes the removal of disease or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack." This definition allows for treating associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation as long as a viable salvage component exists. While this definition provides necessary flexibility to meet salvage objectives, care must be taken to avoid abuse by including trees or areas not consistent with current environmental laws and existing standards and guidelines as set forth in this MOA.

This Memorandum of Agreement is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The undersigned Agency heads attest that they understand the direction in this Memorandum of Agreement and will fully comply with that direction.



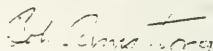
JAMES R. LYONS
Under Secretary
Natural Resources and Environment
Department of Agriculture



GEORGE T. FRAMPTON, JR.
Assistant Secretary
Fish and Wildlife and
Parks, Department of
the Interior



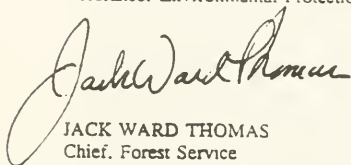
DOUGLAS K. HALL
Assistant Secretary for Oceans
and Atmosphere
Department of Commerce



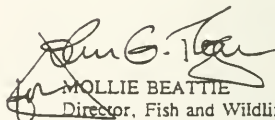
ROBERT L. ARMSTRONG
Assistant Secretary for
Land and Minerals
Management, Department of
the Interior



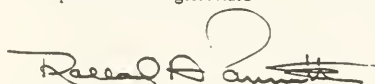
STEVEN A. HERMAN
Assistant Administrator for
Enforcement and Compliance
Assurance, Environmental Protection Agency



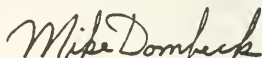
JACK WARD THOMAS
Chief, Forest Service
Department of Agriculture



MOLLIE BEATTIE
Director, Fish and Wildlife
Service, Department of the Interior



ROLLAND SCHMITTEN
Director, National Marine Fisheries
Service
Department of Commerce



MIKE DOMBECK
Director, Bureau of
Land Management,
Department of the Interior

October 24, 1995

OGC List of Forest Service Rescission Cases
 New material is indicated in bold

I. 2001(k) Issues1. NFRC v. Glickman (D.Ore, Judge Hogan)

On October 17 a hearing was held after which Judge Hogan (1) denied the motion for contempt against Under Secretary Lyons; (2) ordered the government to award and permit to be completed all 62 timber sales (230 million board feet) previously offered within the geographic area of § 318 (i.e. all Forest Service sales in Oregon and Washington and all BLM sales in Western Oregon) on or before Wednesday October 25; (3) ordered the government to provide bi-weekly status reports; and (4) denied the government's motion for a stay pending appeal.

On October 19, the government asked the Court of Appeals for the Ninth Circuit for a stay pending appeal. The issue will be submitted to a motions panel for consideration on October 24. A decision is expected shortly.

2. Pilchuck Audubon Society v. Glickman (W.D.Wash, Judge Rothstein)

Challenge to government interpretation of "known to be nesting," and assertion that harvest of timber in units occupied by marbled murrelets would be arbitrary and capricious. Plaintiff's originally moved for preliminary injunctive relief, but then withdrew the request after the issuance of the August 23, 1995 memo from Under Secretary Lyons. Plaintiffs have moved for expedited discovery, and seek information from the Forest Service regarding sales to be released under section 2001(k) by September 15, 1995. Plaintiffs moved to intervene in the NFRC v. Glickman case. Motion was granted only on issue of what constitutes "known to be nesting."

3. Scott Timber Company v. Glickman (D.Ore, Judge Hogan)

Timber company originally filed this suit separately from the NFRC litigation challenging the government's interpretation of "known to be nesting." Scott then moved to consolidate their case with the NFRC case. On Friday, September 8, 1995, Judge Hogan granted Scott's motion to consolidate. Case is proceeding in conjunction with the NFRC case.

4. ONRC v. Thomas (D.Ore) (Judge Hogan)

Challenge to two timber sales on the Umpqua National Forest. ONRC asserts that harvest of these sales would violate the Forest Service's duty to maintain viable populations of certain aquatic species. These sales fall under section 2001(d) of the Rescission

Act. Review should be under the expedited procedures of 2001(f). Plaintiff's have amended their complaint to include two new sales. These sales raise questions about the application of section 2001. (OGC Field: Val Black, Jeff Handy; OGC WO: Jay McWhirter; DOJ: Robin Michael)

5. Native Americans for Enola v. United States Forest Service (D.Ore.)

Challenge to the Enola Hill Timber sale on the Zigzag Ranger District on the Mt. Hood National Forest. Plaintiffs contend that a timber sale being released under the provisions of 2001(k) violates the terms of an earlier court order regarding the completion of an ethnographic survey. Plaintiffs also make claims based on the American Indian religious Freedom Act, Archeological Resources Protection Act, National Historic Preservation Act, violation of normal agency contracting practices, and for violations of Treaty Rights. (OGC Field, Val Black, Jeff Handy; DOJ: Geoff Garver)

6. Oakhurst v. U.S.F.S. (D. Ore)

Pro se action brought by Albert Oakhurst alleging violation of his constitutional rights, the Civil Rights Act, the Religious Freedoms Restoration Act, and the Administrative Procedures Act. Plaintiff alleges that the Sugarloaf Timber Sale and the related closure order interferes with religious activities of Native Americans. DOJ filed a motion to dismiss on October 16, 1995, based on res judicata and collateral estoppel given the fact that the plaintiff had earlier filed a similar action which was dismissed as frivolous by the District Court. (DOJ Geoff Garver)

7. Blue Mountain Native Forest Alliance (D. Ore.)

Allegation of no long-term strategy. The complaint in this case challenges the Eastern Oregon and Washington LRMPs. The plaintiffs seek an injunction of logging and road building in significant mature or old growth forests and roadless areas until a legally sufficient NEPA analysis and LRMP amendments on nine national forests are completed.

8. SAS v. Thomas (D. Wash). (Judge Dwyer)

Seattle Audubon Society has challenged the release of sales identified by the Forest Service in the Chief's September 27, 1995 memorandum. The challenge is based on separation of powers arguments and on the language of section 318. Government filings are due to be filed this week.

II. Timber Salvage Issues

1. Mahler v. U.S. Forest Service.

The 50 acres of trees on the Hoosier NF to be salvaged are dead and

dying due to insect damage and root rot, and the estimated volume is between 800,000 and 1 million board feet. This project was categorically excluded from NEPA documentation. The plaintiff claims that the Forest Service has violated NFMA, NEPA, and the Migratory Bird Treaty Act. All briefs have been filed in this case and awaiting the judge to render a decision. No TRO or PI was requested in this case because the logger has agreed to not begin cutting until the judge has ruled. (OGC: Lori Cooper; DOJ: Ruth Ann Story)

2. Sierra Club v. USFS (Warner Fire) (D.Ore, Judge Hogan) (On Appeal 9th Cir.)

Challenge to EIS/ROD for several post-burn salvage sales. Magistrate recommended upholding ROD except for NEPA disclosure of future arson fires. One sale was awarded but others not yet offered. Judge Hogan issued a bench order on September 7, 1995, dismissing the challenge as to sales not yet offered. The sale already awarded was held to fall under the terms of 2001 of the Rescission Act and allowed to go forward. Forest has sent award letter to purchaser, who has 30 days in which to sign and return the contract. Plaintiffs have appealed, and are seeking a stay of all actions pending appeal. The 9th Circuit denied Sierra Club's motion for a stay pending appeal, thereby allowing the sale to go forward during the period of the appeal. (OGC: Tim Obst, DOJ: David Shilton).

3. Inland Empire Public Lands Council v. U.S.F.S. (Upper Sunday TS, Kootenai NF)

The Upper Sunday Timber sale on the Kootenai N.F. is approximately 14 MMBF which was approved after preparation of an EIS. There were two statements of purpose and need, the first being "to maintain an ecosystem with historic endemic levels of insect and disease populations minimizing the threat of epidemics by utilizing integrated pest management strategies and treatments." Approximately 1/2 of the acres to be harvested (685 acres) is intended to "reduce the future risk of a spruce bark beetle epidemic by harvesting some of the higher risk stands." In addition there is 231 acres of Sanitation/salvage harvest which is designed to salvage dead material and reduce the risk of wildfire. The current status of the case is that we prevailed in district court, plaintiffs have filed notice of appeal and request for injunction pending appeal with District court. (OGC: Alan Campbell)

4. Kettle Range Conservation Group v. U.S. Forest Service (E.D. Wash.)

Challenge to timber sales on the Colville National Forest. Plaintiffs challenge adequacy of NEPA compliance alleging a failure to analyze cumulative impacts associated with the 1994 Copper Butte fire, and to evaluate logging impacts on roadless areas. (OGC Field: Val Black, WO Tim Obst, Jay McWhirter; DOJ: Sandy Zellmer)

5. Silver v. Thomas (D. Arizona, Judge Muecke)

Judge enjoined "all timber harvesting activities" of the Forest Service in Arizona and New Mexico pending completion of programmatic ESA consultations relating to the Mexican Spotted Owl. The litigation focuses on whether the Forest Service must initiate programmatic ESA consultations on forest plans and whether ongoing projects must be halted during such consultations under the Ninth Circuit's ruling in Pacific Rivers Council v. Thomas. The United States requested that the District Court clarify its motion and allow some activities to proceed--notably salvage sales--which the government maintains have "no effect" on Mexican spotted owls. In response, the District Court ordered the United States to participate in a mediated negotiation with plaintiffs to attempt to work out a solution.

6. Kentucky Heartwood v. United States Forest Service (E.D. Kentucky)

Challenge to salvage timber sale on the Daniel Boone National Forest. Plaintiffs raise issues related to the Indiana Bat, an endangered species, and whether the decision to go forward with the salvage sale was arbitrary and capricious.

III. Alaska Issues

1. Alaska Forest Ass'n v. United States, No. J94-007CV (D. Alaska) Act prohibits spending FY95 funds to implement Habitat Conservation Areas (HCAs); plaintiff challenges HCAs on FACA grounds -- (OGC: Bob Maynard; DOJ: David Gehlert).

2. Alaska Wilderness Recreation & Tourism Ass'n v. Morrison, No. 95-35222 (9th Cir.) Act declares legal sufficiency of EISs plaintiffs challenge; federal defendants moved to vacate adverse decision on appeal on basis of the Act. The 9th Circuit on September 28, 1995, held that section 503 of the Rescission Act "does not alter the legal basis" for the court's earlier adverse decision which required supplementation of the timber sale EIS documents at issue in the case below. (OGC: Bob Maynard, Vince DeWitte; DOJ: David Shilton)

IV. Contract Issues

1. David Smerski d/b/a Smerski Logging v. USDA, No. 93-557C (Fed. Cl.)

East-side green sale held up because of the east-side screens. Apparent high bidder seeks award of sale under original terms. (OGC: Lori Jones; DOJ: Lauren Moore).

2. Scott Timber Company v. U.S., No. 94-784C (Fed. Cl.)

Contract holder seeks damages for section 318 timber sale suspended because of marbled murrelets. The Forest Service has released volume in accordance with the FWS final biological opinion. Thus,

the FS is still complying with FWS protocol for the murrelet, and consequently, the majority of this volume remains suspended. Plaintiff is expected to respond to our motion for summary judgment in October. The cornerstone of our argument in favor of our motion for summary judgment was a sovereign acts argument--that is FS had to suspend because it was complying with the law (in this case, ESA). That argument may have been weakened by the recent Winstar decision in the Federal Circuit. (OGC Attorney: Laurie Ristino; DOJ Attorney: Jack Groat)

PENDING ACTIONS IN IDAHO

Agency and Action	COMMENTS
Boise National Forest	
Elk Creek Allotment ¹	Consultation to be completed before the May 1996 grazing season.
Sand Creek Allotment ¹	NMFS will conclude consultation in January 1996.
Houselog I-II	Concurrence letter supported by PACFISH consistency in January 1996.
Oberbillig Mineral	NMFS review will be completed in May 1996.
Bear Track Mine	Court ordered reconsultation. Anticipated completion date of March 1996.
Salmon/Challis National Forest	
Thompson Creek Mine ¹	NMFS will complete consultation in December 1995.
Moyer Salt Timber Sales	NMFS expects consultation to be completed in December 1995.
Hecla/Grouse Creek Mine ¹	Consultation to be completed by January 1996.
Payette	
Brush Mountain Timber Sale ¹	NMFS expects consultation to be completed in January 1996.
Goose Creek Hydropower (FERC)	Anticipated completion date before the next operating season, June 1996.
Yantis Ditch Special Use Permit	See attached summary.
Sawtooth National Forest	
Personal Firewood Forestwide ¹	Consultation will be completed before May 1996 operating season.
Federal Energy Regulatory Commission	
Shingle Creek Hydro	Consultation will be completed in January 1996.

¹ These actions are part of negotiations in Pacific Rivers Council v. Thomas.

Completed Consultations/Total Number of Actions:

From 1992 to October 31, 1995, NMFS has completed approximately 845 informal and 171 formal consultations on Snake River salmon in Idaho. In Oregon, NMFS has completed approximately 313 informal and 23 formal consultations on Snake River salmon.

For land management consultations, often more than one action is contained in a biological opinion or concurrence letter. In some cases, dozens of grazing, mining, and timber actions are addressed in one NMFS' transmittal.

YANTIS DITCH SPECIAL USE PERMIT

Summary: The Federal action is issuance of a 10-year special use permit for water conveyance across the Payette National Forest (PNF) in the headwaters of Boulder Creek, Little Salmon River watershed. The PNF determined this action likely to adversely affect Endangered Species Act (ESA) listed Snake River spring/summer chinook salmon. This determination was based primarily on the action's indirect effect, the removal of water from the stream. The water removal may cause: 1) reduction in habitat quantity; 2) creation of migration barriers; and 3) increases in water temperature.

Yantis Ditch is approximately 14 miles upstream from the mouth of Boulder Creek. The ditch diverts approximately 3 cubic feet per second (cfs) of water from designated critical salmon habitat in Boulder Creek (Little Salmon River watershed) and transfers the water into the Weiser River watershed, which does not contain salmon. Salmon currently occupy the lower 4 miles of Boulder Creek, but in past years occurred higher in the drainage, possibly in the vicinity of Yantis Ditch. Removal of the 3 cfs has the greatest effect on salmon habitat just downstream from the Yantis Ditch diversion. In low flow years, upper Boulder Creek may contain a total of 3 cfs or less during the late summer and fall months. Under state law, water users must leave at least 10% of the flow in the stream. The 90% reduction in flow which Yantis Ditch may cause eliminates a substantial amount of salmon habitat for about a mile directly downstream. Adverse effects from lack of water and related increases in temperature are gradually alleviated downstream, as various tributaries enter Boulder Creek at intervals and replenish its flow. The stream contains approximately 25-35 cfs in the lower section currently occupied by salmon.

Background Information: The ditch has been in operation since 1924, but does not pre-date the PNF, which began in 1917. The PNF has been issuing 10-year special use permits for the water conveyance across federal land. The most recent permit expired in 1994. The 1986 Ditch Act obligates the PNF to grant easements to holders of legal water rights who have the required special use permit. The ESA consultation with NMFS must be concluded before the Yantis permit can be renewed and easement granted.

Fisheries habitat mitigation funds from a 1989 chemical spill elsewhere in the Little Salmon River watershed have been made available to improve the Yantis Ditch diversion weir, headgate, and conveyance structures. The state of Idaho granted a portion of the funds. The state funds were granted for 1994, extended to 1995, and will have to be extended again to 1996. The Natural Resource Conservation Service (NRCS) has been in charge of designing and implementing these funded Yantis Ditch improvements for the PNF. The PNF/NRCS need tentative or final approval of the Yantis Ditch action from NMFS by early December 1995 in order to gain another extension of the state funds.

Consultation was first initiated March 30, 1994. An attempt was made to isolate the funded improvement actions for separate consultation, but the improvement actions were still tied to the water conveyance in a revised BA submitted July 6, 1994. The PNF then re-submitted the action for one-year approval in both 1994

and 1995.

The permittee voluntarily did not divert water in 1993 and in some months of 1994. Water was diverted during critical months for salmon, August and September of 1994 and 1995.

Status: The PNF, NMFS, NRCS, and the permittee met October 18, 1995, and discussed how to resolve this consultation. Jack Yantis, the permittee, agreed to ask the state Water Resources Board if it would be possible for him to take, for instance, 4 cfs in the spring and only 2 cfs in the fall, when flows are lowest and water loss most likely to adversely affect salmon. Mr. Yantis later found that the Water Resources Board would not allow more than his allotted 3 cfs to be taken at any time. The PNF and NMFS are currently reviewing new and previously submitted temperature and fisheries data compiled by the PNF and have completed the review on November 9, 1995. At that time, NMFS shared with PNF, SCS, and the permittee its concerns and proposed course for mitigating the action, if necessary, and completing this consultation. The PNF/NRCS requested the consultation be completed by early December, 1995, to obtain the extension for improvement structure funds.

Concerns: Primarily, a section of stream directly below the ditch could be substantially dewatered in a low water year. Adverse effects may continue for several miles farther downstream, but may not be substantial in the lower 4 miles currently occupied by listed salmon. A clearcut along the stream between the ditch and those lower 4 miles is likely to exacerbate any increases in temperature caused by reduced water volume. The long term concern is the quantity and quality of all designated critical habitat in Boulder Creek, not just that which is currently occupied. Upstream reaches should again be usable for spawning and rearing as they were in the past when numbers of salmon were greater. A key point is that upper Boulder Creek is designated critical habitat. Salmon had been documented above a natural falls at river mile 4 prior to outplanting activities in that upstream reach in the 1980s. The falls have since been dynamited to make them less of a migration barrier for anadromous fish.

October 23, 1995

Committee On Resources

U.S. House of Representatives

1324 Longworth House Office Building

Washington, D.C. 20515

TESTIMONY BEFORE THE COMMITTEE ON RESOURCES

by

Timothy J. Coleman, Executive Director

Kettle Range Conservation Group

P.O. Box 150

Republic, Washington 99166

509-775-3454

Testimony of Timothy J. Coleman 10/23/95

There are many misconceptions with regards to what constitutes forest health. But nearly everyone involved in the field of forestry, whether professional or amateur, agree that forests are complex systems comprised of many constituent parts, and not simply just trees growing in dirt. In any case, forest health must look at the greater systems upon which the forest depends, these include: soils and soil processes (symbiotic relationships with plants, fungi, etc.); insects, both beneficial and pest; birds and other wildlife species; hydrology; aspect and latitude. Forests vary greatly from one region of the country to another.

At the core of the forest health debate is the issue of salvage. Many feel that trees once dead should be logged and used before they go to waste. However, the carbon recycling which takes place in a dead tree is elemental to the process of maintaining a healthy forest. Forests grow on detritus, or dead wood and leaves. The most important component of this detritus are the large boles (trunks) of trees, which because of their size persist for decades once falling to the forest floor. These large downed logs provide habitat for many species, including pileated woodpeckers who are predator species to forest insect pests. Some species of ants which are predatory to forest insect pests also require large standing or down logs for their habitat needs. Large diameter logs are an important source of late season water, storehouses of nitrogen, and critical habitat for species of wildlife. Large down logs are important to the function of healthy watersheds and critical in the development of good fisheries habitat.

SALVAGE IMPLICATIONS

Forest fire is the engine behind the current rush to salvage the public forests. Fire is, however, elemental to forest and ecosystem biological function, providing for increased diversity of plant species while creating a seedbed for renewal and improvement. Forests in the Inland West have evolved with fire playing a critical role in their development. Soil structure and function, plants, animals, and watersheds have adjusted to the point where fire is not only *not* destructive, but beneficial.

Salvage is an attempt to capture the economic value of trees before becoming commercially less valuable, but has little to do with ecosystem or forest health. In the case of the Copper Butte Salvage Sale on the Colville National Forest, the FSEIS stated the following:

"Overall, the fire had a positive effect on forest health and we can anticipate large areas regenerated to young healthy trees that can be managed (or not) to meet a variety of resource objectives." (FSEIS @III-17)

"The purpose of the proposal is to recover the economic value of dead and dying timber." (FSEIS @Summary-2)

"From a silvicultural standpoint, salvage of dead trees does little to improve stand health and vigor." (FSEIS @III-17)

The Copper Butte fire, and in fact many other fire touched areas of the West, was a natural occurrence completely within the realm of historical range and periodicity. No where in the history of the development of this forest has salvage occurred post-fire prior to the advent of modern forestry. Soils and other biological systems within this region are not adapted to salvage, the

Testimony of Timothy J. Coleman 10/23/95

supposition of improved forest health resulting from salvage is a misconception, a unsubstantiated hypothesis.

Many salvage sales are uneconomical. The Copper Butte Fire Salvage, has been advertised at \$41 per thousand board feet (mbf), conservatively a loss of \$120,000 to the Treasury. The Thunder Mountain Fire Salvage on the Okanogan N.F. will conservatively lose the taxpayer \$200,000. The assertion, such as that made in the case of the Copper Butte salvage, is that salvage is done for economic reasons. The story is a familiar one across the West.

If, as asserted by some in the scientific community and by the federal agencies who oversee forest management, forests are un-natural due to fire suppression, then aren't areas where fires have occurred, and which burned in historical patterns, natural? Where are the dividing lines here? If as science suggests insects, disease, and fire are all natural elements of forests, and in fact part of the dynamic function of forest ecosystems, then surely we must allow for these evolutionary processes to continue or risk degrading these systems further.

THINNING - THE MYTH OF FIRE PREVENTION

The Bannan Mt. Fire area, located on the Okanogan National Forest, had been logged three times, thinned twice, and underburned during the proceeding 25 years. Despite these management activities, which mirror proposed actions to remedy forest health problems, the fire which occurred there during July 1994 killed 80-90% of the live trees. Data collected by the Forest Service shows that live fuel moistures were exceedingly low. The Bannan Mt. Fire demonstrates how an area, even with repeated management aimed at reducing the risk of fire while promoting timber production and forest health, under the right climate conditions, will burn. Even though past management actions and the 1994 fire removed virtually all of the organic material on site (duff and downed wood), current management strategies call for salvage, ostensibly to improve forest health, protect soils and reduce fire risk.

CONCLUSION

To conclude, as demonstrated by the Bannan Mt. Fire, management does not preclude stand replacing fires. Nor, as shown in the Copper Butte Fire, do present day fires necessarily exceed identifiable historic patterns, especially in roadless areas. Fire is an essential element in the Inland West's forests. These forests have adapted over time to fire to the extent that plant and animal communities are largely dependent upon it's functions.

Forest fires which may threaten human habitation are an important consideration in land management decisions. It is important to focus on preventative measures in these areas, not in otherwise healthy forests which are in dynamic equilibrium.

If our management actions focus on preventative measures in the form of salvage, without equal weight being placed on natural processes, our forests will continue to decline in health. Our management must mimic natural processes, for it is these processes which over time have provided the genetic linkages from which derive our forests.

Timothy James Coleman
P.O. Box 150
Republic, Washington 99166
Ph & Fax 509-775-3454

Topical Outline

- Introduction
- Salvage Implications
- Thinning - The Myth of Fire Prevention
- Conclusion

Idaho Montana Wyoming Oregon Washington Alberta British Columbia

Alliance for the Wild Rockies

Box 8731 Missoula, Montana 59807 • 406-721-5420



Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

re: Testimony to the Committee regarding PL 104-19 section 2001

October 25, 1995

The Alliance for the Wild Rockies is a grassroots conservation organization composed of over 6,000 individual members and 600 business members. On behalf of our membership, the Alliance works to protect the remaining wildlands and native flora and fauna of the Northern Rockies bioregion. I am a representative for the Alliance. As Co-Director of Ecosystem Defense, my job is to track land management activities on public lands and to participate in the public decision-making process.

The Alliance for the Wild Rockies strongly believes in the democratic process, and in our experience, the success of public land management hinges upon an inclusive and meaningful process that incorporates public comments and allows for public dissent. We are deeply disturbed by the decidedly un-democratic process embodied by Public Law 104-19 section 2001. To our knowledge, this is the first time that Congress has suspended all applicable natural resource laws in order to further a short-sighted agenda that may irreversibly damage the ecological integrity of our public lands and has undeniably eroded public trust in the 104th Congress and in the public land management agencies.

I'd like to give you just one example of the backlash that is occurring as a result of the passage of the salvage rider. On October 25, 1995, I attended a public hearing held by the Bitterroot National Forest to discuss their proposed salvage projects. I have attended many such public meetings, and in my experience this meeting was the most polarized and hostile. The atmosphere was the direct result of the passage of the salvage rider which has eviscerated the public participation process and eroded public trust. The message sent by Congress to the American people is that public participation is meaningless, that logging without laws is the new law of the land, and that resource extraction is the only valid use of the public lands. By cloaking the agenda of timber extraction under the guise of "Forest Health," the Congress and the Forest Service has further alienated themselves from the American people.

Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

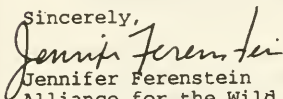
Testimony to the Committee regarding PL 104-19 section 2001

The salvage rider is not about mythical Forest Health, it is about cutting trees and subsidizing corporate interests. The American public knows this and every attempt to package the salvage timber prescriptions as "emergency" measures further erodes the public trust.

I do not exaggerate the frustration and disenfranchisement that has been created by the passage of salvage rider.

The Alliance for the Wild Rockies appreciates the opportunity to submit this testimony to the Committee and we hope this testimony contributes to a better understanding of the social, ecological, and economic implications of the salvage rider.

Sincerely,



Jennifer Ferenstein
Alliance for the Wild Rockies
Co-Director Ecosystem Defense

attachments

Jennifer Ferenstein
Co-Director Ecosystem Defense
Alliance for the Wild Rockies

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Missoula, MT 59807
406 542-0050
fax:406 728-9432

OUTLINE:

The Alliance for the Wild Rockies is a grassroots conservation organization composed of over 6,000 individual members and 600 business members.

The success of public land management hinges upon an inclusive and meaningful process that incorporates public comments and allows for public dissent.

By cloaking the agenda of timber extraction under the guise of "Forest Health," the Congress and the Forest Service has further alienated themselves from the American people.

The salvage rider is not about mythical Forest Health, it is about cutting trees and subsidizing corporate interests. The American public knows this and every attempt to package the salvage timber prescriptions as "emergency" measures further erodes the public trust.

ATTACHMENT: DOCUMENTATION OF ABUSES UNDER PL 104-19 SECTION 2001



ROAD-RIP

October 26, 1995

Committee on Resources
U.S. House of Representative
1324 Longworth House Office Building
Washington, D.C. 20515

RE: Testimony on P.L. 104-19, Sec. 2001 (salvage logging)

To the Committee on Resources:

I am the codirector of ROAD-RIP, a nonprofit environmental group dedicated to protecting and restoring American public lands by reversing the damaging ecological impacts of roads in wildlands. We are a coalition of more than 235 groups and individuals working to prevent the ecological devastation associated with excessive road-building on public lands. We seek prevention, closure and revegetation of roads in sensitive wildlife habitat, and we work to ensure that public land management agencies comply to their own standards and guidelines limiting road densities to protect native plants and animals.

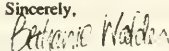
ROAD-RIP is extremely concerned by the passage of the salvage rider. This law, which abbreviates the environmental review process and virtually exempts salvage sales from all environmental laws, opens the door to unbridled exploitation of public lands. The premise of an "emergency" requiring the removal of massive quantities of 'salvage' timber has no scientific basis. Dead and dying trees are critical to the health of forest ecosystems. Trees have evolved with fire, disease and insect infestation for thousands of years -- and our 'management' of public lands has done little to improve their 'health'.

Now more than ever, American public lands are imperiled by roads and resource exploitation, which fragment wildlife habitat, pollute streams, allow nutrients to leach from the soil and erode hillsides. I am aware of at least 4 sales in the Northern Rockies under the salvage rider which will enter roadless areas -- areas which we must *protect* not exploit. I am particularly disturbed by the Main Salmon Post-Fire Project, which will enter 3 roadless areas, involve the construction of more than 13 miles of new roads and reconstruction of 45 miles of road. The sale area includes old growth and provides habitat for chinook salmon. Sales such as this undermine the ecological integrity of our public lands and are completely unjustified.

More generally, the salvage rider undermines the democratic process by severely limiting citizen participation in public land management. I urge you to reconsider this law and adopt more intelligent, scientifically-based management practices which will protect our public forests for generations to come, not sell them off for the benefit of large corporations.

I appreciate your consideration and hope you will seriously consider the impacts of the salvage rider on the integrity of American public lands.

Sincerely,



Bethanie Walder
ROAD-RIP Codirector

■
Road Removal Implementation Project
P.O. Box 7516 • Missoula, MT 59807 • 406.543.9551
■

Road Elimination for Ecological Recovery

Summary of testimony
Re: Public law 104-19, Sec. 2001

Name: Bethanie Walder, ROAD-RIP Codirector
Address: P.O. Box 7516, Missoula, MT 59807
Telephone: (406) 543-9551

ROAD-RIP is a nonprofit environmental group dedicated to protecting and restoring American public lands by reversing the damaging ecological impacts of roads in wildlands.

ROAD-RIP is extremely concerned by the passage of the salvage rider. This law, which abbreviates the environmental review process and virtually exempts salvage sales from all environmental laws, opens the door to unbridled exploitation of public lands.

Now more than ever, American public lands are imperiled by roads and resource exploitation, which fragment wildlife habitat, pollute streams, allow nutrients to leach from the soil and erode hillsides. I am aware of at least 4 sales in the Northern Rockies under the salvage rider which will enter roadless areas -- areas which we must *protect* not exploit.

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I urge you to reconsider this law and adopt more intelligent, scientifically-based management practices which will protect our public forests for generations to come, not sell them off for the benefit of large corporations.

I appreciate your consideration and hope you will seriously consider the impacts of the salvage rider on the integrity of American public lands.

Abuse of P.L. 104-19 in the Northern Rockies Salvage Timber Sales Violating Law and Public Process

A. Forest Plan Standard Violations in PL 104-19 Sales - Kootenai National Forest

1. Canyon Area Salvage, Libby Ranger District, Decision Notice July 6, 1995. Forest Plan Standards limiting opening size and open road densities exceeded.
2. Cripple Horse Fire Recovery Project, Libby Ranger District, Decision Memo June 28, 1995. Forest Plan Standards limiting opening size and open road densities were exceeded.
3. Brush Creek Area Salvage, Libby Ranger District, Decision Notice July 18, 1995. Forest Plan Standards limiting opening size and open road densities were exceeded.
4. Twin Meadows Salvage, Fortine Ranger District, Decision Notice August 17, 1995. Forest Plan Standard limiting opening size was exceeded.
5. Webb Fire Salvage and Resource Rehabilitation Project, Rexford Ranger District, Decision Notice August 28, 1995. Forest Plan Standards limiting opening size and open road densities were exceeded. Roadless area proposed for Wilderness.
6. Barron Salvage Timber Sale, Libby Ranger District, letter dated September 6, 1995. Forest Plan Standards limiting opening size and open road densities were exceeded. Also, in violation of the National Environmental Policy Act, no public review and comment period was allowed.
7. Peace Alexander Salvage Project, Libby Ranger District, Decision Memo September 21, 1995. Forest Plan Standards limiting opening size and open road densities exceeded.
8. North Fork Fire Salvage Timber Sales, Rexford Ranger District, Decision Notice October 4, 1995. Forest Plan Standards limiting opening size and maintaining wildlife movement corridors between openings caused by even-aged cutting units violated. Roadless area proposed for Wilderness.

B. Reissuance of Green Sales Under P.L. 104-19 - Clearwater National Forest

1. West Fork Papoose Timber Sale, Powell Ranger District. Original EIS and Record of Decision (July 17, 1995) were appealed, and the sale was withdrawn. Forest Service Reissues Decision September 8, 1995 under PL 104-19. Now exempt from appeal.
2. White Pine Timber Sale, Palouse Ranger District. Original EA was successfully appealed by conservationists, and F.S. published notice in Federal Register announcing intent to complete full EIS. Old growth cedar and white pine targeted for logging; area adjoins scenic highway and Wild & Scenic River. Forest Service then announces they will reissue the sale under PL 104-19, exempt from appeal.
3. Deadly Moose Timber Sale, North Fork Ranger District. Original EA was appealed by conservationists. Two days before appeal period ends Forest Service issues a revised Decision Notice under PL 104-19. Sale is exempted from appeal.
4. Fishbait Timber Sale, North Fork Ranger District. Original sale (named "Sneaky Sheep") was successfully appealed by conservationists, Forest Service reissues under PL 104-19, exempt from appeal. Sale will remove 80 percent of canopy, majority of trees to be logged are living, 28 MMBF.
5. Lean-To Post and Pole Timber Sale, Pierce Ranger District. Sale was appealed by conservationists. While appeal decision is pending, Forest Service reissues Decision Notice under PL 104-19, exempt from appeal.

C. Green Sales Pending In Court - F.S. Requesting Reconsideration Under PL 104-19.

1. Upper Sunday Timber Sale, Kootenai National Forest. Inland Empire Public Lands Council has filed a notice of appeal to the Ninth Circuit Court of Appeals contesting this case, a 14 MMBF sale in an area already heavily impacted by roading and logging. Issues include cumulative impacts and the viability of sensitive species. Salvage was never the main purpose of this sale - the agency originally designed a separate salvage sale in the same vicinity. Now, according to the Office of General Counsel, the Kootenai believes the sale is covered by PL 104-19.

2. Hyallite Timber Sale, Gallatin National Forest. Montana Ecosystems Defense Council won at the District Court level when Judge Hatfield held that the EA contained an inadequate discussion of cumulative effects. Sale contains approx. one half green timber, which was added to make it more attractive to buyers. Forest Service has asked for reconsideration of the court's ruling under PL 104-19.

3. Copper Butte Timber Sale, Colville National Forest. Kettle Range Conservation Group, Inland Empire Public Lands Council and Northwest Ecosystem Alliance filed suit over this sale, which targets old growth ponderosa pine, larch and fir in the Profanity Roadless Area. A 1994 fire was beneficial to the area, and many of the older trees survived, but these are the trees which will be logged. The sale will cost taxpayers approx. \$125,000. The Forest Service is arguing that PL 104-19 applies.

D. Roadless Areas Targetted By Salvage Under PL 104-19.

1. Atlanta-Wagner Timber Sale, Helena National Forest. Three separate roadless areas will be impacted by roads and logging, with clearcuts up to 210 acres. Forest Plan standards for wildlife will be violated. Sale has been in planning for over a year, and never deemed a salvage sale until now.

2. French Creek Sale, Payette National Forest. Important roadless area, proposed Wilderness, habitat for chinook salmon, old growth. Sale has been in planning for several years, never identified as a salvage sale until this year. Approx. two-thirds of the trees targetted are alive.

3. Paradise Timber Sale, Boise National Forest. Permanent roads will be built in a roadless area on the Mountain Home Ranger District. This is the second major "salvage" sale on the Boise NF, will be issued and exempt from appeal under PL 104-19.

4. See above - North Fork and Webb Sales, Kootenai N.F.; Copper Butte Sale, Colville N.F.

E. Salvage Sales Offered But Receiving No Bids or Low Bids

1. Boise River Salvage Sale, Boise National Forest. Economic analysis performed by Robert E. Wolf, former Assistant Chief with the Congressional Research Service, shows this sale will cost taxpayers over \$35.9 million. Several of the individual sales are not bid on when initially offered.

2. North Fork Payette Timber Sale. This sale, in the City of McCall, Idaho's municipal watershed, was finally sold to a Montana mill for a fraction of its advertised price. 16 MMBF sold for only \$425,000. The sale will damage the city's water quality.

3. Fall Creek and Mill Creek Timber Sales, Payette National Forest.

4. Copper Butte Timber Sale, Colville National Forest. Received no bids on the first two offerings, later sold for approx. \$40 per thousand board feet.

prepared by

Alliance for the Wild Rockies/PO Box 8731/Missoula, MT 59807
The Ecology Center/1519 Cooper St./Missoula, MT 59802

October 20, 1995

Laurie Solomon
POB 8968
Moscow, ID 83843

House Resources Committee
US House of Representatives
Attn: Debbie Callis
1324 LHOB
Washington D.C. 20515

October 26, 1995

Testimony on Salvage Logging

My experience with the salvage timber sales that have gone on to date is that only the healthy trees are taken, old growth, especially, whereas the burnt and dying trees are left. This creates a poor genetic pool from which unhealthy trees reseed the logged over forests. The sights in Eastern Oregon, where the Old growth forests barely exist, except in the high altitude or roadless areas, are atrocious. The sales that have been done in the name of salvage do little to instill faith that anything wil ever change as far as the irresponsible logging practices the Forest Service condones.

It is my opinion therefore, that the "emergency " salvage sales called for by section 2001 of the Rescissions Bill, Public law 104-19, are just another way for the forest service to "get the cut out at all costs". Well, the costs are too enormous to even consider the economics involved... Long term, the forest service devastates communities, as is evident with the number of mills that are closing down nationwide. This will not be solved by increasing the cut; Sustainable forestry simply does not entail getting all the old growth possible and leaving tree farms and clearcuts in their wake.

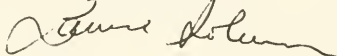
No, instead, this country needs to do as other countries are doing; concentrate on converting the mills to take smaller trees, and the paper mills to use recycled paper products as well as using alternative pulp sources already available in truly "developed" countries: Kenaf and Hemp.

Please consider that we are not doing any good by continuing to trash our national forests, that this continued and condoned destruction MUST STOP!!!!

Please do whatever you can to stop the wonton destruction of the last of this country's heritage, for the sake of the future generations who will not have clean water, air, or pristine forests to enjoy should we not stop this insane destruction.

Sincerely,

Laurie Solomon



October 20, 1995

Greg Mullen
Wild Rockies Earth First!
POB 8968
Moscow, ID 83843

House Resources Committee
US House of Representatives
Attn: Debbie Callis
1324 LHOB
Washington D.C. 20515

Salvage Logging Testimony

Salvage logging is a scam. It's nothing but a blatant effort to rip off our public lands for the profit of a handful of multi-national corporations. The American people are not as stupid as you seem to think we are. We know when we're being ripped off, and we won't stand for it.

Salvage logging is a hoax. Its definition of dead and dying or imminently dead trees include just about anything the corporate owners of Congress demand.

Any congressman should think twice about supporting salvage logging. Much of congress is imminently dead, and may need to be harvested at the ballot box in '96. Your position on salvage logging will help the people decide whether you're part of a healthy ecosystem or whether you're disease ridden and in need of harvesting.

Greg Mullen

cc:Sara-Folger
Inland Empire Public Lands Council

Committee on Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

re: Testimony to the Committee regarding PL 104-19 section 2001
Washington, DC task force meeting 10/24/95

October 25, 1995

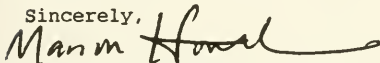
Citizens Against Lawless Logging (CALL) is an ad hoc citizens group that formed in response to President Clinton's signing of the Rescission Bill. I am a volunteer involved with CALL.

Over the past three months we have sponsored public education and outreach events designed to inform the public about the environmental, ecological and economic impacts of this legislation. We represent a diverse group of citizens that are opposed to the highly undemocratic and subversive nature of PL 104-19 section 2001. Our experience has been that the general public is dismayed and angry when they learn that the natural resource laws of the last 20 years have been dismantled for the benefits of corporate interests. Equally disturbing is the suspension of meaningful public participation.

CALL has generated over 40 letters from individuals and businesses and over 200 signatures stating opposition to the salvage rider and its undemocratic implications. Concerned citizens want their laws reinstated and they want their voices heard. Enclosed is repeal legislation that would reinstate the laws and the public participation process that are the very backbone of our nation. We strongly urge you to abandon the present course that the 104th Congress has taken; it is a reckless, myopic, and destructive.

CALL appreciates the opportunity to submit this testimony to the Committee and we hope this testimony contributes to a better understanding of the social, ecological, and economic implications of the salvage rider.

Sincerely,



Marion Hourdequin
Citizens Against Lawless Logging (CALL)

attachments

Marion Hourdequin
Citizens Against Lawless Logging
1519 Cooper Street
Missoula, MT 59802

Summary:

Citizens Against Lawless Logging (CALL) is an ad hoc citizens group that formed in response to President Clinton's signing of the Rescission Bill.

Over the past three months CALL has sponsored public education and outreach events designed to inform the public about the environmental, ecological and economic impacts of this legislation.

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Concerned citizens want their laws reinstated and they want their voices heard. Enclosed is repeal legislation that would reinstate the laws and the public participation process that are the very backbone of our nation.

104TH CONGRESS
1st SESSION

S . B . XXX

To repeal §2001 of Public Law 104-19.

IN THE SENATE

October XX, 1995

Senator XXX (for her/him self,) introduced the following bill; which was referred to the Committee XXX

A BILL

To repeal §2001 of Public Law 104-19.

1. *Be it enacted by the Senate and House of Representatives of*
2. *the United States of America in Congress assembled,*
3. **SECTION 1. SHORT TITLE.**
4. This Act may be cited as the "Restoration of Natural Resource Laws on
5. the Public Lands Act of 1995".
6. **SECTION 2. FINDINGS.**
7. The Congress finds as follows:
8. That environmental and natural resource laws play an essential role in
9. protecting the national interest public lands managed by the U.S. Forest
10. Service and the Bureau of Land Management. Public Law 104-19, §2001
11. suspends these crucial laws and exempts salvage timber sales from the
12. administrative review process. Implementation of Public Law 104-19,
13. §2001 poses an unacceptable risk to the resources held in trust for the
14. American people by the U.S. Forest Service and Bureau of Land
15. Management.
16. **SECTION 3. REPEAL OF §2001 OF PUBLIC LAW 104-19**
17. Therefore, in order to assure that the public lands are managed in the
18. best interest of the American citizenry, this Act repeals Public Law
19. 104-19, §2001 in its entirety. Notwithstanding any outstanding judicial
20. order or administrative interpretation of Public Law 104-19, §2001, the

1. Secretary of Agriculture, for the U.S. Forest Service, and the Secretary
2. of Interior, for the Bureau of Land Management, shall immediately
3. terminate all activities pursuant to §2001 of Public Law 104-19 and
4. shall withdraw from implementation all uncompleted timber sales
5. prepared, advertised, released, offered or awarded under Public Law 104-
6. 19, §2001 pending a determination of compliance with all applicable
7. environmental and natural resource laws.

October 20, 1995

Natalie Shapiro
POB 3182
Moscow, ID 83843

House Resources Committee
US House of Representatives
Attn: Debbie Callis
1324 LHOB
Washington D.C. 20515

Testimony on Salvage Logging

In late June of this year, I returned from a trip to the Payette National Forest. I had spent some time looking at burned areas from the 1994 fires, examining the areas slated for salvage logging. What I saw convinced me that salvage logging would be detrimental to these burned areas. They are recovering well in spite of heavy precipitation this season, the soil is holding together well and erosion is minimal. I saw lots of plants and moss, which is helping hold the soil together and breaking up compacted areas. I also observed pocket gopher burrows and insect holes which help break up the soil.

I returned to Moscow, and wrote detailed comment letters regarding these sales, explaining my experience and observations to the Forest Service. Shortly after, President Clinton signed the rescissions bill that contained the salvage rider. I was now forbidden to participate fully in the process that by law is guaranteed citizens of this country: the right to oversee the Forest Service. The Forest Service acts as stewards of the National Forests, which "belong" to the public. The public has the right to be informed as to the Forest Service's actions, to have a voice in these actions, and to appeal decisions that the Forest Service makes that we feel are wrong. It is unconscionable that the public is now prevented from appealing decisions made on our forests.

In Peace,

Natalie Shapiro

THE LOGGING WITHOUT LAWS RIDER:
LAWLESSNESS FUELS THE INDUSTRY'S GREED
AT THE EXPENSE OF OUR NATION'S FORESTS

Patti Goldman
Staff Attorney
Sierra Club Legal Defense Fund

THE LOGGING WITHOUT LAWS RIDER: LAWLESSNESS FUELS THE INDUSTRY'S GREED AT THE EXPENSE OF OUR NATION'S FORESTS

Patti Goldman
Sierra Club Legal Defense Fund

INTRODUCTION

In its first three months, the logging without laws rider has lived up to all the worst predictions. It has unleashed a period of lawlessness and extreme greed. This testimony provides an overview of recent developments under the rider that illustrate both traits.

Before turning to specific lawsuits and timber sales that show the true colors of the logging without laws rider, it is important to remember how this law came into being. The secretive process through which the rider was developed and passed proves that a flawed process leads to flawed results.

Tacking this measure onto a budget-cutting law enabled the rider to ride the coat-tails of a popular law and avoid scrutiny on its own merits. It also enabled the rider to slip through Congress without congressional hearings and full debate on the unsupported factual claims boldly made by its proponents and without scrutiny of the mechanisms put forward for dealing with these purported problems. The entire development of the logging without laws rider short-circuited the open, fully deliberative legislative process. In this respect, the logging without laws rider is at odds with many of the laudable congressional reforms supported by the new freshman class.

Circumventing normal legislative processes allowed moneyed special interests to wield tremendous influence over the particular language inserted into the rider, without any public statements to clue in the rest of Congress or the public to the deception. Only now are we learning the full range of the assault on our national forests under the logging without laws rider.

I. THE TIMBER INDUSTRY'S ATTEMPT TO GRAB EVERY TIMBER SALE EVER CANCELLED FOR ENVIRONMENTAL REASONS AT CHEAP, EVEN DEPRESSION ERA, PRICES.

The first lawsuit filed under the logging without laws rider had nothing to do with salvage -- the much-heralded subject of the rider -- and it was not filed by conservationists challenging a timber sale's compliance with environmental laws. Instead, the timber industry threw the first punch -- and oh, what a punch.

The timber industry filed a lawsuit in federal district court in Oregon to force the government to release every timber sale contract ever offered in Washington and Oregon under the original advertised terms. Northwest Forest Resource Council v. Glickman et al.,

No. 95-6244 (D.Or. 1995). The industry has refused to identify a single sale so the courts and the public cannot easily see what the industry is up to. While a few odd sales may have had some salvage components, almost all these sales involve healthy old-growth forests.

What the industry wants is release of environmentally harmful timber sales, most of which were withdrawn by the government for good reason.

Some were enjoined by the courts because they violated environmental standards and logging them would cause irreparable harm to the forests. For example, a federal court enjoined the Tiptop and Tip sales on the Wenatchee National Forest because they would log essential habitat for bull trout -- a species that warrants listing under the Endangered Species Act -- without any evaluation of the extent of the adverse effects on bull trout. Leavenworth Audubon v. Ferraro, 881 F. Supp. 1482 (W.D. Wash. 1995). The district court concluded that:

The Tiptop [and Tip] timber sale[s] may irreparably harm the viability of the bull trout, a sensitive species, and a management indicator species under the Forest Plan. The sale may also irreparably harm the detrimental soil condition of the Ruby Creek drainage. . . . [T]he likely irreparable environmental harm is grave when compared to the adverse monetary impact the defendants may suffer.

Id. at 1493-94.

The Gatorson Timber sale on the Colville National Forest was enjoined when the court of appeals held that the sale would log a 5,000-acre roadless area without consideration of the effects of destroying this prime habitat on the many species that depend on it. Smith v. United States Forest Service, 33 F. 3d 1072 (9th Cir. 1994).¹

Other sales were withdrawn by the agency in the face of administrative appeals or court challenges. In other words, the process worked. It alerted the agencies to the devastation that would be caused by the sales and the agencies changed their minds. For example, during the mid-1980s, the Forest Service withdrew the Auger Creek timber sale on the Fremont National Forest because it had failed to consider the effects of the sale on the Deadhorse Rim roadless area. When the Forest Service proposed the sale again in 1989, Oregon Natural Resources Council and Portland Audubon Society appealed the sale because it would log the last remnants of this area's natural ecosystem before the Forest Service

¹The timber industry also is asking the courts to order the Forest Service to go forward with eight timber sales that were either enjoined by the courts or withdrawn in the face of court proceedings in 1990 and 1991. Several of the environmental organizations who stopped six of these sales have gone back to court asking the court to enforce the old injunctions and court orders. Seattle Audubon Society v. Thomas, No. C89-160WD. Remarkably, the timber industry is trying to have the case transferred to the Oregon district court in a proceeding to which these plaintiffs are not parties.

decided whether to preserve this rare, pristine site as a Research Natural Area. The Forest Service granted the appeal, cancelled the sale, and convinced this Court and the district court that a lawsuit challenging the sale had become moot and that any resurrection of the sale would constitute a new sale that could only be challenged in a new lawsuit based on a new administrative record. Oregon Natural Resource Council v. Grossarth, No. 89-6451-HO (D. Or.) (Jan. 15, 1991), aff'd, 979 F. 2d 1377 (9th Cir. 1992). The Forest Service has since established an Auger Creek Research Natural Area, which, along with other current environmental standards, precludes logging the old Auger Creek timber sales.

Other sales were withdrawn during the interagency process for assessing the effects of timber sales on threatened and endangered species. More than a dozen sales on the Wallowa-Whitman and Umatilla National Forests would have destroyed some important, and nowadays sparse, spawning and rearing habitat for threatened salmon stocks. When the National Marine Fisheries Service concluded that logging these sales would adversely affect threatened Snake River chinook salmon, the Forest Service decided not to proceed with these sales.

In the Oregon lawsuit, the timber industry wants all of these sales to be released immediately under the original contract terms. For most of the sales sought by the industry, timber sale contracts have never been awarded. When the Forest Service decided not to go forward with the sales, it stopped taking steps to award contracts. It is well-established that high bidders and prospective bidders have no property rights in possible timber sales. Nonetheless, the industry argues that the rider turns the mere hope of bidding on or obtaining a timber contract into a property right, and it does this without resort to the competitive bidding process and the various rules for determining whether companies are eligible to be awarded the contracts.

The other critical feature of the industry lawsuit is that the timber industry wants these sales to proceed under their originally advertised terms. Many of these sales are in areas where logging is no longer permitted or is now permitted only under important environmental safeguards. For example, Oregon Natural Resources Council appealed the Cat Tracks timber sale in the Eugene District of the Bureau of Land Management because it did not comply with current environmental safeguards. Responding to that appeal, the Bureau of Land Management made significant modifications to bring the sale into compliance with current environmental standards. The old advertised terms don't include these protections, instead, they often allowed clearcutting of pristine old-growth forests right up to the banks of salmon-bearing streams.

The old advertised terms also contain outdated prices. The timber industry wants invaluable old-growth trees at bargain basement prices. It is truly ironic that while the logging without laws rider was inserted into a budget-cutting law, it is now being used by the timber industry to claim a timber industry subsidy in the form of cheap timber.

Of course, the most egregious aspect of the industry's grab for cheap old-growth timber is that they claim that these timber sales must be released without any compliance with environmental standards and without any administrative appeals or judicial review. If

the proponents of this measure had this result in mind, the logging without laws rider has to be one of the biggest deceptions ever pulled on Congress and the American people. In legislative debates, there was never any mention of resurrecting out-of-date, illegal, old-growth timber sales. Nor was there any discussion of giving away timber contracts to unqualified bidders in what might ultimately cost the U.S. treasury millions of dollars in compensation claims and restoration work. The sole legislative discussion of the types of timber sales covered by the provision at issue referred to a narrow category of sales offered or awarded in fiscal year 1990. Some members of Congress with a broader timber industry agenda quietly inserted contradictory words here and there in the rider's text and legislative history so that the timber industry could seize upon this language and ignore the conflicting authority in order to lay claim to the worst of the worst timber sales in the history of our national forestlands.

This deceptive type of lawmaking offends notions of fair play and fair process. The timber industry's bullying tactics likewise have been heavy-handed and indefensible.

In the Oregon lawsuit, a district judge agreed with the timber industry's construction of a provision in the rider and decided that all timber sale contracts offered or awarded in Washington and Oregon must be released. NFRC v. Glickman, No. 95-6244-HO (D.Or. Sept. 13, 1995). The judge issued this ruling based solely on an analysis of the language of the rider and its legislative history. Since the timber industry refused to identify particular timber sales and explain why they must be released under the proffered interpretation, the court did not order that particular timber sales had to be released by any particular date.

Nonetheless, only days after the court issued its ruling, the timber industry filed a motion to hold the government in contempt of court. The industry went so far as to say that it wanted certain specified high-level officials thrown in jail and the government fined \$50,000 per day. Needless to say, holding the government in contempt is an extreme remedy for outright recalcitrance. It is rarely, if ever, appropriate in the absence of a specific order to the government to take particular actions within a specified period of time. One spokesperson for the timber industry conceded that the industry filed this motion simply to scare the government into action. Even the motion for contempt acknowledged that the court had not yet issued an order to release any particular timber sales. The timber industry is employing these heavy-handed tactics so it can grab cheap old-growth timber before the public realizes what is happening. Toward this goal, the timber industry is also leading a witch hunt against government officials that it fears may stand in the way.

In response to the industry's pressure, the government invited the district court to enter an injunction ordering the release of all timber sales offered or awarded in Washington or Oregon from October 1, 1990 to July 27, 1995. The district court did so on October 17, 1995. The government then asked the court of appeals to stay (*i.e.*, delay) that injunction until the appeal of the district court's ruling is resolved on appeal. In support of this request for a stay, the government submitted declarations from government fisheries and wildlife experts stating that these sales would cause irreparable harm to the forests and to wildlife and

aquatic species. The court of appeals declined to issue a stay, and the government is now releasing previously offered sales.

For example, on October 26, 1995, the Forest Service released eight sales on the Wallowa Whitman National Forest that provide important spawning and rearing habitat for threatened salmon stocks. The National Marine Fisheries Service -- the government's fisheries experts -- has determined that logging these sales will adversely affect Snake River salmon species listed as threatened under the Endangered Species Act. Dozens of other timber sales that will similarly devastate the forests are in the process of being released. The timber industry has told the courts that the extreme harm to the forests and to imperilled species that depend on these forests is simply irrelevant under the logging without laws rider.

II. THE TIMBER INDUSTRY'S ATTEMPT TO JETTISON THE BEST SCIENTIFIC EVIDENCE IN ORDER TO LOG THREATENED BIRDS' NESTING AREAS AND THEREBY RISK WIPING OUT IMPERILLED BIRD SPECIES.

In another series of industry lawsuits, the timber industry is arguing that old-growth timber sales must be released and logged under their original contract terms even if threatened bird species depend on these tracts for their survival. NFRC v. Glickman et al., No. 95-6244-HO (D.Or. 1995); Scott Timber Co. v. Glickman, et al., No. 95-6267-HO (D.Or. 1995); Pilchuck Audubon Society et al. v. Glickman et al., No. 95-1234R (W.D. Wash 1995). Congress expressly provided that these old timber sales may not be logged if threatened or endangered species are known to be nesting there.

Federal agencies and prominent scientists have spent years developing a protocol for determining whether one threatened seabird, the marbled murrelet, is using particular coastal old-growth forests for nesting. The timber industry contends that birds cannot be known to be nesting in a particular area unless direct evidence of nesting, such as shell fragments, is found. Even in criminal trials, where proof must be beyond a reasonable doubt, circumstantial evidence is permissible. Certainly, where the best scientific evidence of nesting behavior accepts less than shell fragments, Congress and the courts should accept that evidence, particularly where there was absolutely no legislative discussion of the best scientific evidence or of requiring something less than the protocol requires.

The timber industry seeks to cast aside the best science and consign this seabird to extinction all for the sake of short-term profits. Again, the lawlessness of the rider is being used by the timber industry to subvert the publicly-stated purpose and intent of this "forest health" rider and to serve the industry's narrow purpose of economic gain.

III. THE TIMBER INDUSTRY READS THE RIDER TO BE A BACK-HANDED ELIMINATION OF THE PRESIDENT'S NORTHWEST FOREST PLAN.

The logging without laws rider contains a provision that requires the Forest Service and Bureau of Land Management to expedite the preparation, offer, and award of

timber sales under Option 9 -- the President's Northwest Forest Plan. Senator Gorton, the sponsor of this provision, made it clear that, in his view, the rider does not eliminate Option 9; it simply allows the agencies to do what Option 9 permits.

In a challenge brought by environmental groups to four timber sales in the forests covered by Option 9, however, the timber industry argues that the rider precludes any judicial review of Option 9 timber sales. Oregon Natural Resource Council v. Jack Ward Thomas et al., No. 95-6272-HO (D.Or. 1995). Recognizing that the rider establishes no standards of its own for Option 9 timber sales, the industry argues that doing absolutely nothing to ensure that such sales will not harm the environment complies with the law.

Even more explicitly, on November 1, 1995, a timber industry lawyer told the federal judge who approved Option 9 that the logging without laws exempts all timber sales offered in western ancient forests from all environmental standards and judicial review. He stated that no forest plan and no environmental standards are in place for these sales for the next 14 months. Of course, this reading is absolutely at odds with the public statements made about the rider's Option 9 provisions.

With respect to Option 9 timber sales awarded before enactment of the logging without laws rider, the timber industry takes the extreme position that Congress intended for those sales to be logged under their originally advertised terms, even if those terms were later changed to comport with Option 9.

At least the Forest Service is not taking such an extreme and indefensible position. The Forest Service concedes that some judicial review remains under the rider for Option 9 timber sales. This is the only plausible result. Congress cannot so lightly and ambiguously eliminate all judicial review and environmental standards. The presumption is that we are a lawful society governed by laws. If Congress wants to override that presumption in a particular context, it must do so clearly and unambiguously so that the public can see what this nation's lawmakers are doing and hold them accountable for jettisoning the rule of law.

Sadly, the logging without laws rider and the timber industry's unrelenting pressure to push the rider to its outer limit are resurrecting and aggravating old wounds that had been healing. The Northwest forests have been a battleground for years. When lawlessness abounded in the past, the timber companies made handsome profits, but the forests suffered permanent harm. Conservationists then obtained strongly worded court orders decrying the remarkable series of violations of environmental laws in the management of the forests. Injunctions halted new timber sales for a time; the Clinton Forest Plan changed this. At long last, the forests were being managed under environmental standards. Granted, not everyone got everything they wanted: while many environmentalists believe the new standards do not go far enough, many timber companies feel that more logging should be permitted. These discontents aside, the western ancient forests were no longer the hotbed of controversy that they had been for so many years. The logging without laws rider turns

Sierra Club Legal Defense Fund • 705 Second Ave. Ste. 203, Seattle, WA 98104 • (206) 343-7340

back the clock to the days when the timber industry grabbed timber without compliance with environmental laws. Confrontation and conflict will again be the norm to the detriment of all, except the short-term profits of timber companies.

IV. THE LOGGING WITHOUT LAWS RIDER IS FUELING LOSS-LEADING, ENVIRONMENTALLY HARMFUL SALVAGE TIMBER SALES.

When the logging without laws rider was discussed in Congress, its proponents called it a salvage rider. The timber industry likes to refer to any timber sale that falls under the rider as part of an emergency salvage timber program. As the foregoing discussion demonstrates, however, by far the bulk of the industry's timber grab has been of healthy old-growth stands.

Nonetheless, three trends are developing with respect to salvage timber sales under the rider.

First, many salvage timber sales are simply not selling. Some sales have been held up for auction twice without bidders, even at a reduced price. Timber companies are not bidding either because they really don't need the timber or because they are trying to drive down the prices and get the timber at bargain basement prices. The rider was predicated on the belief that there is a backlog of salvage timber sales that willing buyers are just waiting to snap up. The truth is that timber companies are trying to obtain a giveaway of public timber at a hefty cost to the taxpayers.

Second, the Forest Service is repackaging sales of healthy timber stands as salvage sales in order to evade compliance with environmental laws. For example, one lawsuit that has been pending for close to a year challenges a non-salvage timber sale because it would clearcut an already heavily logged area without determining whether viable populations of wildlife will be left behind. The Forest Service believes that this sale can be repackaged as a salvage sale to come under the rider. The rider's definition of salvage is so broad that it invites such abuse.

Third, under the logging without laws rider, the Forest Service is defying the expert wildlife agencies and permitting logging that would not withstand scrutiny under our environmental laws. Before the rider, the Forest Service took some care in developing salvage sales because it knew the public was watching and that it might have to answer for its actions to a court of law. While there were disputes over whether forest health would be served by logging in many instances, the Forest Service often provided that no roads would be built in roadless areas and only dead or significantly burned trees would be taken.

Under the logging without laws rider, the Forest Service is abandoning that sense of caution. For example, it has advertised the Thunderbolt timber sale on the Payette and Boise forests in Idaho to log an area that has long been off-limits to logging because the rivers are so heavily degraded. In the mid-1960s, as a result of past heavy logging, landslides destroyed the aquatic habitat of the South Fork of the Salmon River. Restoration is needed, not logging. Indeed, that is what both the National Marine Fisheries Service and

the Environmental Protection Agency told the Forest Service when they reviewed the sale. The Forest Service, in blatant disregard of their expert opinions, plans to go forward with the sale in order to obtain some revenues to pay for restoration. Even the Forest Service admits, however, that it will obtain far too little money to pay for what is needed.

Similarly, the Forest Service has decided to go forward with a series of salvage sales that would log bear management units on the Kootenai National Forest. Logging these sales would violate the forest plan and other standards for what is required for grizzly bear habitat, not to mention accepted scientific norms. The Fish and Wildlife Service has determined that the logging will likely cause bear mortalities. Given that this grizzly bear population has only 12-18 individuals, any mortalities may jeopardize the survival of the grizzly bears in this area. This cavalier approach would not withstand scrutiny under our environmental laws.

V. THE RIDER CONSTITUTES A BLATANT FAILURE OF THE UNITED STATES TO EFFECTIVELY ENFORCE ITS ENVIRONMENTAL LAWS.

Twenty-nine U.S., Mexican, and Canadian environmental and commercial fishing organizations have filed a submission with the North American Commission on Environmental Cooperation (a body established under the NAFTA environmental side agreement) seeking an investigation of the logging without laws rider. Under the side agreement, the Commission may investigate a Party's failure to effectively enforce its environmental laws. This process was developed to avoid one country leading a race to the bottom in terms of environmental protection. The logging without laws rider shows our trading partners how to give lip service to environmental protection and then avoid compliance with those principles. In this respect, it is a dangerous precedent and deserves a thorough investigation.

Some have argued that such an investigation would infringe U.S. sovereignty. That argument is a self-serving and poorly disguised attack on U.S. environmental laws. No sovereignty objections are raised when the U.S. seeks to open up economic markets for U.S. industries. Similarly, the timber industry has not hesitated to urge the U.S. government to challenge Canadian softwood lumber stumpage rates and raw log export bans as unfair subsidies, which could be said to intrude into Canadian sovereignty. Here the United States has exercised its sovereignty by passing environmental laws, and it has an obligation, both domestic and international, to abide by those laws. Sovereignty is not affronted by being required to answer for the rider's sneaky evasion of U.S. law.

CONCLUSION

The logging without laws rider has shown its true colors in its first three months. Congress should assess the effects of the rider in an even-handed and balanced manner. If it does so, environmental harm and widespread violations of U.S. environmental laws to satisfy the insatiable greed of the timber industry will emerge as the true picture of the logging without laws rider.

THE WHITE HOUSE

WASHINGTON

CHICAGO

June 29, 1995

The Honorable Newt Gingrich
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

I am pleased to be able to address myself to the question of the Emergency Salvage Timber Sale Program in H.R. 1944. I want to make it clear that my Administration will carry out this program with its full resources and a strong commitment to achieving the goals of the program.

I do appreciate the changes that the Congress has made to provide the Administration with the flexibility and authority to carry this program out in a manner that conforms to our existing environmental laws and standards. These changes are also important to preserve our ability to implement the current forest plans and their standards and to protect other natural resources.

The agencies responsible for this program will, under my direction, carry the program out to achieve the timber sales volume goals in the legislation to the fullest possible extent. The financial resources to do that are already available through the timber salvage sale fund.

I would hope that by working together we could achieve a full array of forest health, timber salvage and environmental objectives appropriate for such a program.

Sincerely,

A handwritten signature in dark ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

THE WHITE HOUSE
WASHINGTON

August 11, 1995

Mr. Barney Elking
Manager
Northern California Log Scaling
& Grading Bureau
Post Office Box 1088
Arcata, California 95521

Dear Barney:

Thank you for sharing your concerns about the salvage logging provision of the fiscal 1995 rescissions bill. I appreciate knowing your thoughts on this issue.

As you know, I signed the rescission bill because it helps to reduce the deficit further while maintaining responsible investments in children, education, national service, and job training. However, I opposed the salvage logging provision, as it threatens to impair, rather than promote, sustainable economic activity. The House and Senate were unwilling to abandon the salvage timber rider, but Congress did accept important changes that will preserve my Administration's ability to adhere to the standards and guidelines in our current forest plans. The changes give the agencies the discretion, which we will exercise fully, to protect our nation's natural resources.

Now that the rider has become law, I have directed the Secretary of Agriculture, the Secretary of the Interior, and the heads of other federal agencies to carry out timber salvage activities consistent with the spirit and intent of all existing environmental laws. Be assured that we will not violate our environmental standards — they are too important to protecting our quality of life and our economy.

As we continue working to meet the many environmental and economic challenges that our nation faces, I welcome your involvement.

Sincerely,

Bill Clinton

PAT WORTMAN

Hello, I'm Pat Wortman, Wallowa County Commissioner. I want to especially thank Congressman Wes Cooley for providing the opportunity to be here today to talk with you about the ability of the Forest Service to manage timber salvage and forest health in general. In eastern Oregon, we truly appreciate the common sense approach you people have taken in regard to the logical use of natural resources.

I'd like to share with you what happens when forest health is allowed to degenerate from lack of management. Please refer to the colored copies of dead and dying timber shown at the front of your packets. These pictures were taken near Starkey on the Wallowa-Whitman National Forest. Unfortunately, they could have been taken at numerous points throughout the Wallowa-Whitman. This is not a natural part of the life cycle of a forest, at least not a forest we need to depend on for forest products and sustainable amenities. The immensity of the forest health problem in northeastern Oregon is not describable with words or pictures.

There are many expert here today that can provide information about the ecological degradation caused by this forest health problem. However, as an elected official in Wallowa County, I would sadly like to share with you what it is like to be number one in our state; number one is in unemployment. This is what happens when you have three sawmills close in less than 1 and 1/2 years. It is my task to describe to you the economic and social devastation that rural areas suffer when the basic industries such as the timber industry are destroyed due to governmental programs being paralyzed by overzealous preservationist efforts like appeals, lawsuits, and lobbying.

Unemployment is perhaps the most visible outfall of governmental gridlock. Wallowa County had the unfortunate record of having the highest unemployment rate in Oregon for five consecutive months last winter. At the worst point, the unemployment rate was nearly 16 percent. Only last month, September, our County ranked second highest in the State, and we anticipate that we will be higher this month, and probably for many months to come. While the unemployment rates have dropped, the sad reason for this reduction is the fact that many workers have out-migrated to other areas in the State and the Pacific Northwest in order to find work.

A side effect from this astronomical unemployment rate is the insidious increase in social problems like domestic violence, drug and alcohol related incidents and theft. These types of problems strain a rural County's limited budget as we attempt to deal with the realities of this situation.

The erosion of tax base due to the closure of three sawmills has also added to the problems with which rural Counties are faced. Many do not realize the amount of taxes sawmills and other industrial facilities pay. For instance, when one sawmill in Joseph was dismantled, our County was forced to try to make do with \$186,000 less in taxes. The tax base is also eroded when unemployed mill workers leave the area and are forced to sell their homes at reduced prices.

The basic business structure of our County has been terribly hurt by this governmental gridlock. For instance the one grocery store in Joseph has reported about a 20 percent downturn in revenue by the losses of the three sawmills in our county. While this may not sound like such a problem from an urban standpoint, the fact that it forced the layoff of 4 grocery store workers added to our economic downturn. Without the sawmills, this store is now the fourth largest employer in Joseph. It also impacts the variety of products a small grocery store can offer and thus negatively impacts the selling power of that store.

Until recently, well over half of the funding for our road department came from the distribution of timber receipts. However, those receipts have been decreased 76% just in the past two years due to the cessation of logging. The road department cannot operate on the remaining revenue and will cease to provide service to the roads that access public lands in Wallowa County. In Wallowa County we are charged with the maintenance of approximately 700 miles of road. Almost all Forest Service roads connect to County Roads; how will the public access public lands without County Road maintenance. The ten year average of timber receipts to the road department was about \$1.6 million. These dollars, so critical to an adequate county road system, have been reduced to a trickle. Traditionally, the timber receipt dollars have comprised about 70% of our total road budget. In 1995, Wallowa County's share of timber receipts will be approximately \$89,000. This constitutes only 0.6 percent of the historic number.

We also see a reduction of 7% in our Payment in Lieu of Taxes (PILT). This will cause a reduction of services offered to the public lands through our general fund. We had made a good faith budget, reflecting a 10% increase in PILT funding; we would have been satisfied with the same amount. To receive less is devastating. The bottom line is the lack of dollars to fund the basic infrastructure of rural Counties. Health care, police protection, solid waste, roads, and fire protection are all negatively impacted.

Even through the decline of Forest Service commodity outputs, Wallowa County has remained proactive and committed to finding a solution to the economic instability caused by this decline. Through volunteer efforts our County has produced the Wallowa County-Nez Perce Tribe Salmon Habitat Recovery Plan that proclaims ridge-top/to ridge-top ecosystem management. We have been instrumental in performing watershed analysis and recovery projects in coordination with Union County on over 3 million acres.

By using the Wallowa County Plan, the Forest Service could restore forest health and provide for commodity production in an environmentally sensitive and economically sustainable manner. This would benefit the condition of our public lands and the economic stability of our communities.

In closure, please refer to the attachments to this testimony. These include a recent report to Governor Kitzhaber entitled, "Forest Health and Timber Harvest on National Forests in the Blue Mountains of Oregon,"; "Catastrophic Stand Conditions in the Blue Mountains" by Craig Schmitt and Donald Scott; "Eastern Oregon Labor Trends"; "Forest Health Alert" from the Oregon Department of

Forestry, supporting news clippings, and graphs depicting the urban vs. rural unemployment rates in Oregon, the Wallowa-Whitman National Forest timber offered, and the declining amounts of County Timber Receipts.

Constructive solutions are available, the Wallowa County-Nez Perce Tribe Salmon Habitat Plan will benefit the people, the environment and Natural Resources. Our people have suffered enough, help us lead the way, to benefit us, our children and grandchildren.

Again, thank you for this opportunity to share with you the problems caused when governmental agencies grind into gridlock. We need your help and support to resolve these issues, and appreciate your concern and active participation in finding a solution.

(The attachments mentioned by Mr. Wortman can be found in the archives of the committee files.)

Statement for the Record of

Sue Kupillas
Commissioner, Jackson County, Oregon

Salvage Timber and Forest Health

Before the
Task Force on Salvage Timber and Forest Health
Committee on Resources
U.S. House of Representatives

November 4, 1995



JACKSON COUNTY OREGON

10 S OAKDALE • MEDFORD, OREGON 97501

BOARD OF COUNTY COMMISSIONERS

Ric Holt	776-7234
Jack Walker	776-7235
Sue Kupillas	776-7236
FAX #	776-7565

Good morning. I am Sue Kupillas and I serve as one of three county commissioners here in Jackson County. We extend you our thanks for conducting this important hearing in Jackson County. Welcome. I would like to thank the chairman and members of the committee for the opportunity to present our deep concerns over the salvage issue in our county and in the Northwest.

Federal forests play a major role in our lives. Together, BLM and Forest Service lands cover 49 percent of the county's land area. The two agencies manage extensive timber, watershed, and recreation resources upon which our citizens rely.

We know that in our county, and in Eastern Oregon, we have had seven years of drought. Timber mortality has been substantial. There are estimates that the total mortality for the forest service nationally is over six billion board feet per year, total, with a substantial amount of this in Oregon. Because of regulatory gridlock and lack of funding, the Forest Service has only harvested about 1.8 billion board feet per year. We have a dangerous accumulation of fuel overloading, and dead and dying trees due to decades of complete wildfire suppression (under old policies). Combined with the drought, this has created severe conditions.

Even though the congressional fix, the salvage amendment, is an important beginning to treat unhealthy forests, it would treat less than one-third of the actual total estimated volume of dead, dying, and diseased timber on federal lands. As county commissioners, we have a direct interest in forest health, the local economy tied to the forests, prevention of catastrophic wildfires, and also the receipts that fund county services.

While federal payments to Jackson and other Oregon counties have provided compensation for the major federal land ownership and supplements provide a current bridge through difficult times, recent major reductions in the federal timber sale programs have threatened future payments.

The timber salvage provision under discussion here today provides a small measure of relief by requiring dead and dying timber to be harvested in order to improve forest health, prevent wildfires, and to free up previously sold timber sales which have already passed environmental muster and were included in the timber harvest levels for the President's Plan.

Natural Resources Advisory Committee (NRAC)

The Jackson County Board of Commissioners has appointed a group of informed citizen volunteers to advise them on important natural resource issues. This action was taken to improve the quality of response as the USFS and BLM consult with the county as required by the Federal Lands Policy Management Act of 1976 which requires that the Secretary of the

Interior shall provide for meaningful public involvement of state and local government officials in the development of land use programs, regulations, and decisions for public lands. (See PL 94-579-9.)

The Jackson County Natural Resource Committee was asked to determine how well the federal land management agencies were doing in Southwestern Oregon in meeting their stated goals in the management plans, the President's Forest Plan, and providing for salvage as required by the Salvage Bill, Public Law 104-19. The hope was to lay out a chart as follows to compare the President's Plan goals and the salvage goals to the original management plans. We also wanted to include the required volume as dictated by the O&C Act.

Chart #1

	1995			1996			1997	
	President's Plan Proposed	Actual	(Part of Total) Salvage Proposed	President's Plan Proposed	Actual	Salvage Proposed	President's Plan Proposed	Salvage Proposed
Medford BLM	32	32.9	12.2	57	48	16	57	16
	60% of PSQ			80% of PSQ			100% of PSQ	
USFS Rogue River	14.2	17		24.01		19.84	27	5.29
USFS Siskiyou	13.2	16.6		19.2		8+	24	

Members of the forestry subcommittee of the NRAC were assigned forests to begin research on what was happening. We encountered problems with gathering information. We perceive a disconnect between the federal and local level in the agencies in the numbers they are using for volume of timber produced. There is also a disconnect between the congress and the administration in the interpretation of the Salvage Bill. Therefore, there are discrepancies in targets. How much of the work already in the pipeline should be included in the new salvage targets?

The following chart shows the numbers we have today.

Chart #2

	Per Year 1980's	FY 1995	FY 1996	FY 1997
Medford BLM	194	32.9	48	57?
USFS Rogue	200	17	20.8	26
USFS Siskiyou	160	13.2	19.2 +salvage	24 +salvage
*Total	554	63.1	88	107?

*Total in FY 1995 was accomplished

Two other serious concerns about the Salvage Bill are staffing and funding. If budgets do not have dollars allocated to implement and staffing remains inadequate, we know for certain that the salvage targets will not be met. Moreover, there have been interpretations that imply that there will be no penalty for lack of compliance and that more extensive procedures than outlined in the bill will be used so there will be further delays. Finally, we find that the rank and file personnel, even when told they can use judgement and not overprotect sales with bulletproof analysis, are so gun-shy that they still feel obligated to continue pre-salvage bill mandates.

The long term solution is to develop an economical way to do density management and extract small diameter trees to improve forest health and minimize future salvage. Right now it is cost prohibitive.

For all of these reasons we have grave concerns whether the two year target of 4.5 billion board feet can be met.

The Rogue River National Forest, the Siskiyou National Forest, and Medford BLM have met their annual targets for FY 1995 of timber sales under the President's Plan even though the targets are very reduced. These have been reduced from the President's original assumptions. We need to give credit where credit is due. There also appears to be a commitment to meet the requirements of the salvage bill, if they are funded. The NRAC will be following the progress on the Rogue River National Forest, the Siskiyou National Forest, and the Medford District of the Bureau of Land Management on the implementation of the President's Plan, the Salvage Bill, and in the case of the Medford BLM, the requirements of the O&C Act. If the goal is 57 million board feet and less is achieved, the BLM will be in violation of the Act. The O&C Act requires the Secretary to determine the sustained yield capacity and offer that volume each year. Since yield volumes are determined for a 10 year period, any volumes not equaling 1/10th of that each year, must be made up within that decade.

In addition to our concerns that the Salvage Bill be funded and that it not be subject to confusing

interpretations, we have a concern that the agencies select cost-effective methods for treating unhealthy stands of timber. If there is an unusually high requirement that all sales be logged by helicopters, to the exclusion of other cost-effective and environmentally sound practices, the allocation of the purchase dollars will be lost to the local communities both in decreased revenues to counties, and with shortage of local helicopter companies, companies outside the area getting the bids. Again, the result is not beneficial to our county. Another issue is how volume is measured. A major part of the volume on some forests is firewood which is not as economical and doesn't improve the revenue stream.

The Spiral Downward

These are the problems with the "numbers" approach to forest management. Most would agree that forest management by numbers is not the most effective management. Forests need to be managed by landscape. When you are prescribing management from a federal, political level, you must devise a system for accountability, thus you get into the numbers game. As I have shown it is a confusing process.

Forest management is more than numbers to those of us who live and work in Jackson County. It is more than numbers to us who try to manage county services with increasing demand and decreasing revenue from O&C lands. Here is what I see as a spiral downward. The mills in Jackson County are dependent on the supply of federal timber and so is county government. Recently Croman Corporation closed its Ashland operation. When the Croman mill quits operating, eventually the assessed valuation goes off the property tax rolls and the property tax payers from all taxing districts will pay more to make up for Croman's decrease. The same property taxpayers will be asked soon to vote on a property tax base for Jackson County to support county services because of decrease in O&C funds (the revenues generated by cutting BLM timber). This will be a double hit for the taxpayers of Jackson County, but it gets worse. As the mill pays less in electrical to the Ashland system, the burden will be taken up by the Ashland residents that have already taken a double hit. If the salvage is not accomplished and the dead and dying cleaned up, our same residents will be asked to foot the bill for wildfires. (The costs to the county alone for emergency services on the 8,300 acre Hull Mountain fire were over \$45,000 last year. The state costs were over \$8 million.) So far the Ashland residents are most affected by the loss of federal timber, and they too will be affected by the astronomical increase in paper prices and the increase in housing costs (as will the rest of the nation) with decreased timber supply. Individuals like Jim Miller have an added burden. Jim Miller lives in the Ashland area and has several thousand acres abutting some untreated BLM property. The dead and insect-infested trees on the BLM are a problem for the public land. However, because the insects do not know property boundaries, the untreated, bug-infested trees contaminate the private property owned by Jim Miller. Jim has been a good steward and has spent thousands treating his problem of drought-killed trees, and planting young seedlings. So now he has to suffer the consequences of living next to the Medford BLM. His trees are dying from the effect of the unmanaged land. But there is more to this spiral downward and that is the workers.

The problem of forest health affects each resident in Jackson County, including the 45 Croman Corporation employees who have stepped into the unemployment line, as have almost 14,000 other wood product workers. These workers who had family wage jobs, bought cars and houses,

and started raising families, will change occupations and suffer financial setbacks that could cause irreparable damage to their families and their lives. Many need county health, services, and alcohol and drug treatment programs, just when the county is decreasing services and asking for increased taxes. The county loses a contributing member and gains one more who can't fully pay their way. (See report: "Jackson County Assessment of Drug Related Issues in Public Housing Drug Elimination Technical Assistance." February 1995, Housing Authority of Jackson County.)

What I have described for you is the spiral downward in Jackson County. This problem can be reversed. The Salvage Bill is a beginning with specific language that clearly outlines congressional intent. For the first time in six years, there is some direction to the agencies that sets targets, but doesn't tell them how to get there. The "how to" is left to the professionals. The salvage not only corrects the forest health, but also keeps mills operating and supports county services. This is a reverse that produces a win/win.

There are some thoughts I will leave with you. As a Jackson County Commissioner my responsibility is, as our mission states, "to provide public services that protect and enhance the quality of life in the county, as determined by the people, laws, and available resources."

Moreover, in March of 1993 the Board of Commissioners adopted the following: "We believe the balanced management of forest lands ensures the stability of the community. The natural beauty that draws people to Jackson County must be considered when the forests are used to support commerce. We cannot sacrifice the future for today's needs. We believe healthy forest management considers wide-ranging interest such as tree harvests, water quality, wildlife habitat, recreation, mining, ranching, and fisheries. Many factors must balance to achieve a good quality of life. We believe Jackson County government has an obligation to support the health of forests and community stability by seeking additional funding for its services rather than maintaining its traditional full dependence on timber revenues. We believe healthy forests are vital to the health of Jackson County."

Jackson County has a very big stake in the success of treating our forests in a timely manner to prevent catastrophic wildfires, to maintain healthy forests and to maintain our forest-based economy. I would strongly suggest that this Congress mandate the agencies develop a comprehensive Fire Management Plan that would include density management, maintenance of fuel breaks and roads adequate for fire fighting vehicles. Further, rather than manage our forests through the courts, with layers of disconnected planning tools and restrictions, that Congress follow the recommendation of best current science and direct agencies to manage for the whole landscape rather than for individual species. In every case, scientific teams should include silviculturists as well as other scientists, if we intend to maintain healthy trees.

Thank you for inviting me to speak today. This concludes my testimony. I will answer any questions you have.

Sue Kupillas
Jackson County Commissioner

HEALTHY FORESTS MEAN HEALTHY COMMUNITIES

We believe the balanced management of forest lands ensures the stability of the community. The natural beauty that draws people to Jackson County must be considered when the forests are used to support commerce. We cannot sacrifice the future for today's needs.

We believe healthy forest management considers wide-ranging interests such as tree harvests, water quality, wildlife habitat, recreation, mining, ranching, and fisheries. Many factors must balance to achieve a good quality of life.

We believe Jackson County government has an obligation to support the health of forests and community stability by seeking additional funding for its services rather than maintaining its traditional full dependence on timber revenues.

We believe healthy forests are vital to the health of Jackson County.

March 1993

Jackson County Board of Commissioners

Rich Holt
Rich Holt, Chair

Mark Henry
Mark Henry, Commissioner

Sue Rupillas
Sue Rupillas, Commissioner

Board of Commissioners, Room 200
Jackson County Government Offices
10 South Oakdale
Medford, OR 97501

We care for the county



3-93

♻️ Printed on recycled paper

March 24, 1994

United States Department of Interior
Bureau of Land Management
Attn: Mr. Dave Jones, District Manager
3040 Biddle Road
Medford, Oregon 97504

Dear Mr. Jones,

The purpose of this letter is to put the United States Government on notice through your agency that failure to control insect disease and mistletoe in the public forest is causing extensive damage to my adjoining private lands and costing me untold losses in my forest properties.

I have spent the past three years trying to control disease by selective harvest of insect and mistletoe trees. But because of BLM inaction on those government lands adjoining mine, my forests continue to become infected.

Please take immediate steps to rectify this intolerable situation or other legal action may be necessary.

Sincerely,

James C. Miller

The specific private lands involved are my properties situated in:

39 2E Sections 1 and 2

38 2E Sections 35, 36, 25, and 31

Testimony
of

DOUG ROBERTSON
Douglas County Commissioner
Douglas County, Oregon

Presented to the

Committee on Resources
Task Force on Salvage Timber
and Forest Health

November 4, 1995
Medford, Oregon

Thank you, members of the committee...first for taking the time and making the effort to be with us today; and second for inviting testimony from some of the all too often forgotten components in this debate--namely the people on the ground who are impacted by these decisions and policies.

I would like to begin my remarks this morning with a brief visual description of what the implementation of the Clinton Forest Plan (Option 9) looks like in Douglas County. While we are here today to discuss the Emergency Salvage Timber Sale Program (ESTSP), it is very difficult to take that issue out of the overall context of the debate and come away with a broad understanding of the entire federal forest and private forest management dilemma.

The base map shows Douglas County, the bounds of which include the crest of the Cascades all the way to the Pacific Ocean. We are the fifth largest county in the state are comprised of over 5,000 square miles and 97,000 citizens.

Let's now apply the overlays that articulate the cumulative effects of the Clinton Forest Plan. When you combine sensitive watersheds (blue), the adaptive management areas (orange), and the late successional, or old growth areas (purple), you begin to see a very restrictive pattern develop relative to the amount of timberland available for management. Add to that the potential impact of the 4d rule (red), and you can see why people in Douglas County are concerned.

The final overlay depicts what was described to us by USF&W representatives in 1994 in a scoping document dealing with the implementation of the 4d rule. What you see in red is approximately 650,000 acres of private timberland which would be impacted and restricted by three overlapping special emphasis areas.

Let me just digress by saying I cannot adequately relay to you the damage done by this 4d proposal. Real damage to the environment and also damage to the average land owning citizen's view in terms of the various federal agencies who play an enforcement role with this proposal.

Because of an aggressive response by our citizens and many others throughout the state, and because of help from some of you and other members of the Oregon Congressional Delegation, the 4d rule was not implemented in Douglas County, nor in Oregon. We are currently working on an Oregon Alternative.

One of the reasons the ESTSP is so important is that it represents the first serious departure from a national forest policy that locks up dead, dying, old, and diseased timber and focuses harvest on young, immature stands of trees just when they are putting on their most significant growth and value. This policy represents forestry in reverse--its bad economically, bad environmentally, and bad public policy that, hopefully with the help of this oversight committee, will end.

It is clear to even the most casual observer that to continue with the current model of federal forest management is not only a mistake, but a national disgrace.

There are solutions, but they require bold leadership on all levels. One of the basic ingredients of any solution is the realization that lasting conservation and good stewardship must be incentive based. The power of American ingenuity and creativity is limitless. We have programs in place (like Ducks Unlimited, the Rocky Mtn. Elk Foundation, and Pheasants Forever) that have created millions of acres of wildlife habitat through incentives; not regulations.

If for one moment anyone believes that the punitive, restrictive, regulatory system of the liberal, radical environmentalist movement will produce long term ecological stability, visit the former Soviet

Union and its satellite states and witness the unbelievable environmental degradation that has occurred under the direction of a centralized, bureaucratic ridden government.

But what about solutions?

There is an effort being made to cut through this tangle of bureaucratic red tape. The Association of O&C Counties has made such a proposal. The O&C lands are comprised of the remnants of 2.5 million acres of Public Domain land granted to the Oregon-California Railroad Company in 1866 to build a railroad line from Portland, Oregon to the Oregon/California border. The line was eventually completed, but because of failure by the railroad company to comply with certain provisions in the grant, the federal government took the lands back in 1916.

Realizing the tremendous impact of that amount of federal ownership within the counties in which these lands are located, the U.S. Congress passed the O&C Act in 1937 which stipulated that 75% of all timber receipts from the lands would go to the counties and 25% would go to the federal government for administration and management of the land. In order to improve and intensify the management on the lands, the counties started contributing 25% of their share for that purpose in 1953 and continued that contribution until the Reconciliation Act of 1993.

The proposal is simply to transfer the title of the O&C lands from the federal government to the State of Oregon. Oregon has demonstrated time and time again its leadership on environmental issues. Oregon's ability to combine the O&C lands with state owned forest lands would create tremendous opportunities for blocking up several categories of forest lands currently under diverse ownership and conflicting management strategies. Oregon recently demonstrated its ability to be creative with the Elliott Forest Habitat Conservation Plan. The Elliott State Forest is a 93,000 block of forest land. Two months ago, the USF&WS signed off on the Elliott's HCP, thus creating the very model which

demonstrates the O&C transfer is not only workable, but will also save the federal government hundreds of millions of dollars, and help create economic and environmental stability in our state. Today the focus is on the ESTSP, and while it is a vital component of forest health and also critically important to the communities so dependent on balanced forest management, I urge the committee to expand its vision beyond lines on a map and rigid patterns of ownership.

While we who have been so active in these issues representing our citizens on a local level are committed to finding solutions to these challenges, I can tell you without hesitation that until people, communities and working families are considered and become part of the solution, there is **NO SOLUTION**.

STATEMENT OF MARK SIMMONS
NORTHEAST OREGON SPOKESMAN FOR THE
NORTHWEST TIMBER WORKERS RESOURCE COUNCIL

Medford, Oregon
November 4, 1995

I want to thank you for providing me this opportunity to speak before you today. I want to especially recognize Congressman Wes Cooley and thank him for all his hard work on the natural resource issues that are so critical to those of us who live in eastern Oregon.

I appear before you today as the northeast Oregon spokesman for the Northwest Timber Workers Resource Council, as an Oregon Lands Coalition Executive Board member, and as the President of Western Council of Industrial Workers Union Local 2910.

The Emergency Salvage Amendment to the Rescissions Bill is a step in the right direction. We must now do all we can to see that it is implemented to the fullest extent possible. Within the current state of affairs related to National Forest management, it is the right thing to do. But we have some problems. Many management constraints have been placed upon the Forest Service due primarily to the Endangered Species Act in the form of the Eastside Screens and Pacfish. We are now asking them to go out and produce timber sales focusing on salvage of the dead and restoration of the forest within the confines of very narrow and restrictive management guidelines.

We must move forward. While we are waiting for Congress to bring some balance to the ESA, we must encourage the Forest Service to take advantage of the management opportunities that are available.

For many of us who live and work in rural Oregon the forests are our lives and our livelihood. We have watched the condition of our forests steadily deteriorate to the condition they are in today, and it has been a very painful process. What kind of management should we reasonably be able to expect from public land managers? Surely not the kind of management that brings us to where we are today. Public forests are dead, dying, prime for catastrophic wildfire, and as a rule in much worse condition than adjacent private lands. I believe we should be able to expect better from those who are entrusted with the management and stewardship of our public resources. The public trust has been violated. Our faith in the ability of our government to intelligently manage our forests has been all but destroyed.

Even with that we must find ways to move ahead. We must continue from where we are today to where we need to be in the future. We are committed to the process, for we have nothing else if we are to survive.

I have been assured by several District Rangers that they will be able to meet the salvage targets they are assigned, but that as yet their individual District salvage targets have not been specified. This raises questions such as why is it taking so long to get this program off the ground? Is it interference from the Clinton administration who have stated their opposition to the Emergency Salvage Amendment? Or is it slow reaction time and inefficiency within the Forest Service?

Why does it appear that Region 1 of the Forest Service is moving ahead much more aggressively on salvage than Region 6? Region 1 has issued a "Regional Strategy for Salvage Sale Accomplishment" that is comprehensive and focused on implementing on the ground the intent of the Salvage Amendment. There appears to be a difference in the attitude of their leadership. Hal Salwasser, the new Regional Forester for Region 1, is laying out a path for his people to follow, and urging them on toward accomplishment. The forests and communities of Region 6 who's ecologic and economic health depend on management deserve a focused and aggressive salvage program every bit as much as the forests and communities of Region 1 do. The delays we are experiencing are causing great ecologic and economic damage to our forests and communities. An aggressive salvage program can alleviate some of that damage.

Salvage is just one of the tools we must use to restore our forests, restore functional habitat, and increase biological diversity. We've done this before. We've already demonstrated many times, our ability to use silviculture to benefit our forests and create healthy sustainable habitats. We must now find the political will to implement, and restore the forests ability to sustain itself.

I have several specific recommendations to make:

*** Timber Sales must be economically feasible to operate:

Several salvage sales that were in the planning stages when the Emergency Salvage Amendment became law, have since been offered for sale but no one has bid on them. These sales typically require the use of expensive logging systems such as helicopters for the removal of low value material, or the price has been set too high. The price that is asked for the salvage material must reflect it's true economic value. We can't be asked to pay saw log prices for pulp material.

*** Institutionalize a long term salvage program.

If we are truly committed to restoring our forests we must institutionalize a long term salvage program. It has taken many years to get our forests into the condition they are today, and it will take many years to restore them. The current salvage amendment is a good start, but we must annually reevaluate the

condition of our forests and determine what we can realistically harvest before it deteriorates to the point that it has no commercial value, and then do it. We must run a percentage of recent dead through the Mills every year. We must keep the pressure on.

*** Continue your efforts to change the Endangered Species Act.

The ESA and the restrictions placed on the management of our forests because of it is contributing to the build up of dead and dying material in our forests. The Eastside Screens and Pacfish are a direct result of the ESA, and greatly restrict efforts to return our forests to a healthy and productive state.

We understand and accept the fact that there is change underfoot, but that change does not have to include the destruction of our forests, or the economic destruction of our rural communities. Management of our forests today is complicated and controversial with much rhetoric from extreme voices on all sides. However, we can get a lot closer to the middle than we currently are. The forest inventory numbers developed during the most recent forest planning process for the Wallowa-Whitman National Forest registered a biological yield of 193 MMBF per year from suitable timber lands with minimum management requirements for indicator species. Last year the Wallowa-Whitman National Forest only sold 53 MMBF. The green saw log component was only 5.3 MMBF. The rest was salvage timber, posts, poles, and firewood.

In our benevolence and desire to include all in an open forest management process, we have in fact been pandering to obstructionists. The logical conclusion and fulfillment of who's goals will lead us all to poverty and want.

The people of rural Oregon and many other politically insignificant areas of our nation deserve better. We need your help. Please continue your efforts to develop a fair and balanced forest management program on our public lands.

**STATEMENT BY LARRY CHARNEY,
UNITED PAPERWORKERS INTERNATIONAL UNION LOCAL #1171
HALSEY, OREGON**

**BEFORE TASK FORCE HEARING ON
TIMBER SALVAGE AND FOREST HEALTH FOR
THE HOUSE RESOURCES COMMITTEE**

**Medford, Oregon
November 4, 1995**

I would like to thank the Chairman and members of the Timber Salvage Task Force of the House Resources Committee for allowing me the opportunity to speak in regard to timber salvage and forest health. I also want to recognize Congressman Peter DeFazio who represents my district.

I appear before you today on behalf of the 250,000 members of the United Paperworkers International Union, including my 130 brothers and sisters of UPIU Local Union #1171. And I appear before you today on behalf of all the rest of my coworkers at James River Corporation in Sweet Home, where I have worked for the past 22 years. I currently work at James River as a process operator.

Through the years and with my work experience, I have come to the conclusion that proper forest management activities are essential to protect the health of our national forests. As a forest products worker, I know we can improve forest health and protect our jobs at the same time. By removing the dead, dying and diseased timber that is accumulating on the forest floor, we can preserve forests and provide a critical supply of timber to our mills.

The fact is Mr. Chairman, President Clinton signed the emergency timber salvage legislation this summer. But to date, the Forest Service largely has restricted us from conducting salvage activities. We want to re-activate productive forest management practices that benefit the environment. Instead, we are forced to stand idle and watch the health of our forests decline.

We are extremely frustrated with the lack of action that has been taken to implement the salvage measure. Insect infestation is spreading from one tree to the next and dead and dying timber lines the floors of our forests, just waiting to serve as kindling for intense wildfires. Meanwhile, mills have closed and have been gutted, leaving only the building shell as a cruel reminder of what is happening to our industry. Tens of thousands of men and women have lost their jobs because of restrictions on timber harvesting to protect threatened and endangered species.

Let me give you a classic example of how the current lack of salvage activity is failing forest health and people. Right outside Sweet Home is a track of land called the Santiam

Pass. This land is part of hundreds of thousands of acres of dead trees that were killed from Spruce Bud Worm infestation. This dead timber could be removed and provide much needed resources for milling, reducing the threat of loss of additional trees and jobs. However, this land is restricted from harvesting due to the claim that it is northern spotted owl habitat.

But here's the remarkable part of the story. U.S. highway number 20 passes right through this area towards Sisters. The Oregon Department of Transportation raised a safety concern with the Forest Service because the dead trees have the potential of falling onto the highway. The ODOT asked the Forest Service to provide a comfort zone of two tree lengths from the road. The Forest Service attempted to conduct a salvage sale to create this comfort zone but the preservationists appealed. The ODOT was forced to obtain a deed from the Forest Service, the timber was sold and used for milling, and the safety concern was eliminated. But it amazes me that we needed all of this legal maneuvering just to protect travelers. According to the people who sued to stop this needed project, even safety concerns for human lives are not valid reasons for harvesting dead and dying timber.

Salvage logging has more benefits than just protecting forest health. Salvage logs provide a source of fiber supply. I work in the recycling department for James River. Our mill is very proud that 90% of the solid waste from our plant is used as soil amendment and distributed, at no cost, to local grass farmers. We consider the paper industry to be one of the best recycling businesses in the nation. We manufacture products that are used on a daily basis by every American. Our disposables are recycled for future use or to help the environment. But no matter how worthy our efforts are, we cannot survive without a resolution to the ongoing timber supply crisis.

Willamette Industries is one of the biggest pulp and paper manufactures in our area. In 1989, Willamette employed 528 men and women. In 1994, after years of harvest restrictions and mill closures, Willamette employed just 171 workers. That's 357 hard working men and women who have lost their jobs. We were hoping that the emergency timber salvage legislation would help provide the balance needed between environmental concerns and the social and economic needs of the community. Some estimates showed the provision could create 22,000 jobs nationwide. But that hasn't happened and job loss continues.

Unemployed timber workers have few options for finding other jobs. Some work long distances from home, leaving their families for days at a time. Others accept low-paying, low-skilled jobs just to be close to home. Some have been accepted in a retraining program established by the Clinton administration called Jobs in the Woods. Like many other retraining programs around this region, this program has good intent but very little effect on the community. The program only accepts a handful of workers. Those fortunate men and women join a two-year program that will hopefully prepare them for the future. The workers are paid decent wages but the future of the program is uncertain. In addition, not everyone who enrolls in the program has the ability or knowledge to

survive successfully in the professional community. Jobs in the Woods alone is not the solution for unemployed mill workers.

We were so encouraged when the federal court ruled last week to force the Forest Service and the Bureau of Land Management to release timber sales under the salvage provision. Now we're hopeful that this committee can help solve the problem. We have reached the point where both sides need to join together to save forests and save people. It can be done. It must be done.

I urge you to mandate the Forest Service quickly implement salvage sales in order to protect forests, wildlife, jobs and communities. It's the solution that makes the most sense.

Thank you.

**YELLOW RIBBON COALITION'S
TESTIMONY**

TO

**THE HOUSE COMMITTEE ON RESOURCES
TIMBER SALVAGE TASK FORCE
FIELD HEARING
NOVEMBER 4, 1995
MEDFORD, OREGON**

PRESENTED BY:

**Carey Moffett
Vice-President
Yellow Ribbon Coalition**

TESTIMONY TO
THE HOUSE COMMITTEE ON RESOURCES
TIMBER SALVAGE TASK FORCE FIELD HEARING
NOVEMBER 4, 1995
MEDFORD, OREGON

My name is Carey Moffett, I am a fifth generation Oregonian. I reside in Junction City, a rural community located in Lane County Oregon. For my primary business, I run a small logging operation, with the help of two employees. I also raise sheep. I am a 1983 graduate of Oregon State University with a BA in Botany. I am past President of the Lane County Livestock Association. Currently I am President Elect of the Oregon Sheepgrowers, Board Member of the Lane County Extension Advisory Council and I am speaking to you today as Vice-President of Yellow Ribbon Coalition of Lane County, a grass roots organization of more than 5,000 members. The mission statement of the Yellow Ribbon Coalition is "to heighten community awareness and knowledge about the importance of wise multiple use of nature's renewable resources, and responsible environmentalism, balancing resource production with resource protection".

I am grateful for the opportunity to appear before your task force to report on timber salvage issues on the Willamette National Forest.

The Willamette National Forest is located along the western slopes of Oregon's Cascade Range. It is an administrative unit of the Pacific Northwest Region of the Forest Service, U.S. Department of Agriculture, and is located within the Second, Fourth, and Fifth United States Congressional Districts. It lies primarily in Lane, Linn, and Marion Counties, but also extends south into Douglas County, east into Jefferson County, and north into Clackamas County. Within the Willamette National Forest lies some of the most productive timber growing lands in the world.

The Willamette National Forest is comprised of:

Gross National Forest	1,797,660 acres
Private Ownership	109,329 acres
Lakes and Reservoirs.	13,854 acres

Congressionally designated withdrawals include:

Wilderness	373,973 acres
Oregon Cascades Recreation Area	5,914 acres
Wild and Scenic Rivers	13,053 acres

Administrative withdrawals include:

Late-Successional Reserves	459,123 acres
Central Cascades Adaptive Management Area	132,911 acres
Riparian Reserves	42,763 acres

This leaves the Matrix or General Forest area with 538,976 acres. Out of the Matrix area 320,632 acres are removed for riparian areas along non-fish bearing streams and intermittent streams, unsuited soil areas and areas not capable of reforestation within five years, areas occupied by roads, and inclusions of non forest (meadows). This leaves a total of 218,344 acres of general forest land. While many of the set asides can be used for recreation, timber harvest including salvage is basically restricted from these areas except in unusual circumstances.

Under Option 9 target timber sale volume on the Willamette is 136 million board feet a year. For the 1995 fiscal year sales actually sold(not just advertised) amounted to 32.5 million board feet. In the 1994 fiscal year timber sales sold amounted to 20 million board feet. In a two year period the Forest Service sold only a little over a third of a one year program.

With years of fire suppression and the administration's non-management attitude forest health problems have escalated over the past few years. Fuel loads on the forest floor are building at an alarming rate. Warner Creek, a particularly bad 9,000 acre fire, has 180 million board feet of fuel laying on the forest floor in a historically fire prone area. The government has approved logging only 9 million board feet of the 180 million board feet of dead and dying timber. This is not for forest health reasons but, to create a fire break to help control future fires. Currently protesters engaging in criminal activities are trying to prevent the first sale in the area to be logged. They have dug trenches, camped illegally, built fires during fire season and built barricades on the road. The administration continues to condone this activity by refusing to arrest these law breakers. It is interesting that the only trees cut on this 4-year old fire area have been cut illegally by the protestors. This was to provide firewood for their own use and to build an illegal barrier across the road. In other areas of the Willamette National Forest, anti-logging protestors have destroyed more than \$50,000 in private property. On the off chance a salvage sale gets sold the logger can wind up having to combat criminals, while trying to harvest the timber.

The U.S. Justice Department has a clear definition of Domestic Terrorism. It is defined as follows: "The unlawful use of force or violence, committed by group(s) or two or more individuals, against persons or property to intimidate or coerce a government, the civilian population or any segment thereof in furtherance of political or social objectives." Under this definition these eco-terrorists should be arrested before further damage to property or before harm to individuals occurs? The law-abiding citizen demands more from their government.

For fiscal year 1996 the Willamette expects to advertise and sell 104 million board feet with approximately 35 million board feet of it being salvage timber. The Willamette National Forest also could add another 100 million board feet of timber available for salvage under the new timber salvage law. The Forest Service estimates only selling 10.4 million board feet under the new salvage law. The 100 million board feet would run a medium sized mill for almost 3 years employing 900 people in our community while providing \$12.5 million in timber receipts to the county for schools and roads and \$87.5 million to the federal government. Most of this salvageable timber is within a short distance of established road

systems and would not require building new roads. Under the salvage amendment there is no reason not to salvage this timber except the administrations desire to drag their feet.

A typical example of problems with salvage sales is the "Over 10 Acre Rule" in Option 9. Option 9 allows salvage in Late-Successional Reserves only of areas larger than 10 acres where trees have been killed by catastrophic events. This rule has caused many small areas, 5 to 10 acres, to be overlooked for salvage opportunities. When you add up the numerous times this situation is repeated throughout the Willamette National Forest it amounts to a significant volume of salvageable timber. If this positive timber salvage opportunity is not acted on then it becomes a negative forest health situation in two ways. First and foremost, a severe fire risk because of excessive high fuel loads. Secondly, the dead and dying trees create an environment for bug infestations that could damage adjacent green healthy forests.

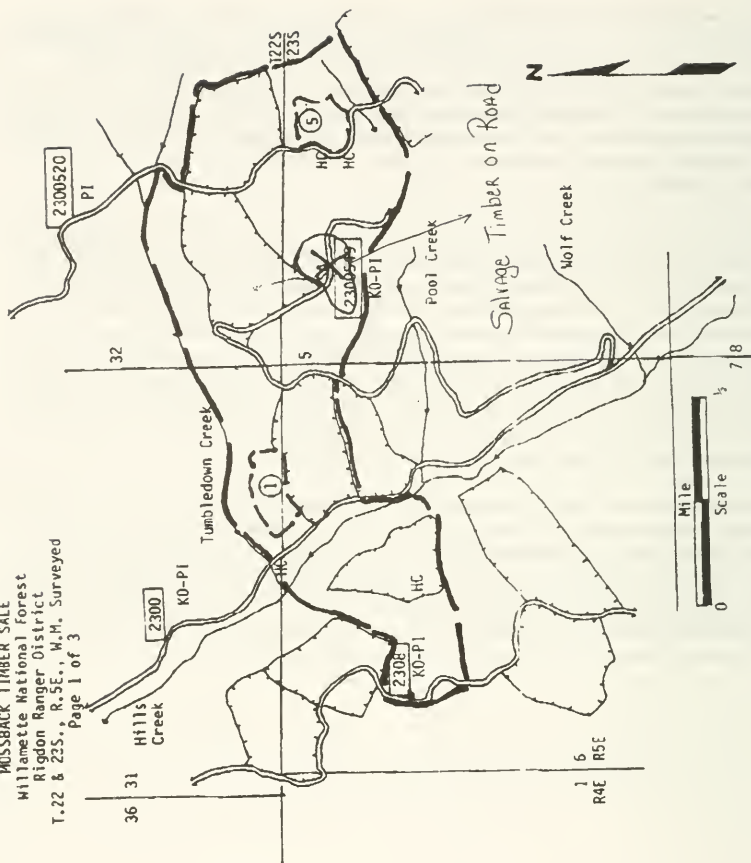
Here is a prime example of this situation right in the middle of a road. (See exhibit A) The Mossback Area is located on the Willamette National Forest outside the town of Oakridge. The blow down timber is actually blocking access to a road system that could be used for recreation and fire control. It was part of a 1990 storm that was the cause of most of the Willamette's salvageable timber. When we asked the Forest Service why they did not salvage this area they told us only that the area is in a Late-Successional Reserve so it is off limits to salvage because of the "Over 10 Acre" rule. Yet, less than a quarter of a mile away they sold and logged a unit of less than 10 acres by helicopter (See Exhibit B). As the photo shows this area is not only close to existing roads but, literally in the middle of the road. A logger would only need a log loader and trucks for a successful harvest operation. There are approximately 250,000 board feet in this proposed five acre salvage area. This salvageable timber is rotting away, blocking road access for recreation and fire control and creating excessive fuel loads. Due to the superior quality of this old-growth wood and its location next to an existing road, if salvaged in a timely manner the stumpage value to the government would have been in excess of \$800 a thousand board feet. Today it might be worth somewhere between 50% to 75% of that value. If you consider there to be 100 million board feet of salvage timber available for harvest, much of which is close to existing road systems you could easily say the Mossback situation is repeated 400 times throughout the Willamette National Forest. This rule also causes a hardship on the small logger. These smaller sales are ideally suited for the small operator. Excluding them puts a burden on the small logger's ability to bid on salvage sales.

The method of logging is paramount to a salvage sale. Helicopter logging is the predominate choice of the Forest Service even when roads are near by. This makes the return on stumpage to the government substantially lower than if cable or tractor logging methods were used. Recently a salvage sale was prepared in the Willamette National Forest in a bug kill area. Roads were adjacent to most sale areas yet, the Forest Service insisted on it being logged totally by helicopter. Not one bid was offered because the Forest Service appraisal was too high. Helicopter logging methods add an additional cost of \$100 to \$200 per thousand board feet to a timber sale. If we are going to benefit from these salvage opportunities, they need to be prepared in a realistic and efficient manner.

In our county 52% of the land is managed by the federal government. Historically we have received \$7 million a year in county property taxes and \$50 million a year in timber revenues. We are currently on a ten-year program with the government supplying funds in lieu of timber receipts to our counties. In fiscal year 1995 Lane County was paid \$7,261,480 in actual timber payments. The Federal Government supplemented this with a payment of \$15,994,330 in lieu of timber receipts. If we could salvage the 100 million board feet of timber available, next year the government would save \$12.5 million of the taxpayers money plus receive a payment of \$87.5 million.

We urge you to make this salvage amendment work for us. The agencies are sitting on their hands waiting for the administration's direction instead of finding salvage sales that fit the criteria specified in the legislation. The direction and leadership on the interpretation and implementation of the salvage legislation is coming directly from the White House and executive branch. When asked if the agency had to comply with Option 9 to prepare salvage sales under the new salvage amendment the Forest Service said the courts say no but we will do everything we can to comply with the requirements of the administration. The executive branch never liked this part of the Recision Bill and are just thumbing their nose at Congress. Taxpayers should not have to pay for government attorneys to have the Executive branch of government fight the Congressional branch in the courtroom.

Without your intervention the administration will continue to drag this out in the courts just as long as they can so there will be no time left to put any salvage timber sales up for bid before the bill sunsets on December 31, 1996. Congress should pass a bill that adds a day on the end of the salvage bill for every day the administration holds it up in litigation. This may be the only way we can defend ourselves against the broken promises of this administration. It is a situation where the administration is using everything in their power to make it not work instead of using everything in their power to make it work.



SKO 5/95

Exhibit B

**OUTLINE OF TESTIMONY
TO
THE HOUSE COMMITTEE ON RESOURCES
TIMBER SALVAGE TASK FORCE FIELD HEARING
MEDFORD, OR 11/4/95**

**Carey Moffett
26210 Ferguson Rd.
Junction City, Or 97448
Phone - (503) 998-6416
Fax - (503) 747-0612**

Salvage Opportunities on the Willamette National Forest

- A. Description of Willamette National Forest(WNF)
 - a. Out of the 1,797,660 acres of the WNF only 320,632 acres are available for general forest after all set asides are deducted.
 - b. Option 9 calls for a target sale volume of 136 million board feet, last year they sold 32.5 million board feet.
- B. Protestors breaking the law on the Warner Creek Fire Area
 - a. Government inaction in not arresting protestors
 - b. Damages to Private Property
 - c. Safety concerns
- C. 100 million board feet of salvage opportunities on the WNF
 - a. Would provide \$12.5 million to county and \$87.5 million to government
 - b. Would run a medium sized mill for almost 3 years and employ 900 workers
 - c. Most of the salvageable timber is within short distance of established roads
- D. Option 9 only allows salvage in areas more than 10 acres in Late Successional Reserves
 - a. Numerous opportunities for salvage ignored because of this ruling
 - b. Becomes a fire risk
 - c. Creates an environment for bug infestations that could damage adjacent green trees
- E. Mossback area, an example of the waste due to the "over 10 acre rule"
 - a. Timber is literally in the middle of a road blocking access for fire control & recreation
 - b. Has deteriorated in value since blown down in a 1990 storm
- F. Logging methods are not economical
 - a. Helicopter logging is predominate choice even when roads are near by
 - b. Return on stumpage to government is substantially lower with helicopter method
 - c. Taxpayers pay for preparation of sales yet, many are not bid on
 - d. Helicopter method adds \$100 to \$200 per thousand board feet to a timber sale
- G. Salvage opportunities would cut down on payments government makes to the Counties
- H. Without intervention from Congress the administration will
 - a. Continue courtroom gridlock
 - b. Thumb their nose at Congress
 - c. Use their own interpretation not the intent of Congress

Testimony before the House Committee on Resources: Task Force on Timber Salvage and Forest Health

November 4, 1995 Medford, Oregon

My name is Mike Wiedeman. I am currently external vice chair of Oregon Lands Coalition. I am presenting testimony on behalf of the over one million members of Oregon Lands Coalition and the seventy groups it represent:

Alternative Livestock Association
 Association of Pulp and Paper Workers Locals # 1, 3 & 166
 Associated Oregon Loggers
 Blue Mountain Potato Growers
 Bohemia Mine Owners Association
 Communities for a Great Oregon-Central Oregon, Mill City, Polk County, Sweet Home Chapters
 Citizens to Protect Forest, Agriculture, Industry, Resources
 Citizens Natural Resource Group
 Coalition for Responsible Water Planning
 Columbia River Alliance
 Communities First
 Defenders of Private Rights
 Eastern Oregon Mining Association
 ECOPRO
 Gorge Resource Coalition
 Hood River Growers and Shippers Association
 Horse Council of Oregon
 Illinois Valley Resource coalition
 Illinois Valley Water Owners Association
 Malheur Timber Operators
 Molalla Timber Action Committee
 Nehalem Valley Timber coalition
 Northwest Timber Workers Resource Council
 Oregon Cattlemen's Association
 Oregon Cattlewomen's Association
 Oregon Farm Bureau
 Oregon Forest Products Transportation Association
 Oregon Fur Takers
 Oregon State Grange
 Oregon Horsemen's Association
 Oregon Independent Miners
 Oregon Off-Highway Vehicles Association
 Oregon Project-Coos, Curry, and Douglas Counties-Portland Metro
 Oregon Sheep Growers Association
 Oregon Wheat Growers League
 Oregon Women for Agriculture
 Oregon Women in Timber
 Oregonians for Food and Shelter
 Oregonians for Survival
 Oregonians in Action

Protect Industries Now Endangered
 Save Our Industries and Land
 Southern Oregon Resource Alliance-Josephine County and Roseburg
 Third Force for Forestry
 TREES-Coastal and Roseburg Chapters
 Voters for Oregon Timber Resources
 Wallowa County Board of Realtors
 Wallowa County Cattlewomen
 Wallowa County Stockgrowers
 Water for Life
 West Amazon Basin Landowners Association
 West Oregon Timber Supporters
 West Valley Citizens for Timber
 Willamette Valley Miners
 Workers of Oregon Development
 Yamhill County Women in Agriculture
 Yellow Ribbon Coalition

The membership of OLC represent the producers of this nation. We produce the food, fiber, minerals and energy that fuel the engine of capitalism. One thing that we abhor is waste especially when that waste is one of our nations most valuable resource: timber. The forests of this nation are ill and the prescription for their health is not more of the same. With nearly six million acres of forest land in Oregon and twenty million nationally classed as being in poor condition we must take aggressive action to renew overall forest health.

The Salvage Rider on the Rescissions Bill is a good first step in beginning that process of recovery. What we now need is a long term strategy that looks at site specific desired future conditions. Any strategy must be flexible enough to allow for a local consensus building process that achieves a local vision for the resource while taking into account the big picture needs of the nation. The local rangers must be given enough authority to allow for creative solutions to local forest health problems. Too often regional or national directives do not apply under local conditions.

We must return accountability to the process. Federal land managers should be given achievable goals and be held accountable for reaching that goal. Far to often federal land managers are given "moving targets" which breeds indifference and destroys the need for true accountability.

I had a conversation with a local ranger and he told me a story of how he was directed to prioritize projects for the upcoming fiscal year. He created a list of nearly 100 projects and rated them on need. He then submitted the list to the S.O. . When the list was returned to his office the project that he had rated as the lowest priority was the highest rated project by the S. O. . I believe that this clearly illustrates a lack of communication within the Forest Service.

I have identified ten issues of concern in the ongoing process of implementing the Salvage Rider. While I deal exclusively with the Forest Service I have been informed that issues raised here are concerns in dealing with the BLM as well.

Issue: Risk of no action. The potential for complete resource loss from catastrophic fire must be

taken into account.

Issue: Emergency Salvage Law considered secondary priority. Law is only being applied to a few sales where most trees are dead and dying although many activities can enhance forest health. Many sales which qualify under the Emergency Salvage provisions are not being expedited as emergency sales and are causing unnecessary delays.

Issue: Agency leadership avoids taking risk, choose forest management options that will not offend environmentalists for fear of litigation.

Issue: Cumulative effect of numerous resource mitigation and restrictions drive up logging cost and place the purchasers under tremendous risk. The results are uneconomical sales resulting in no bid.

Issue: PAC/FISH-INFISH screens and President's NW Forest Plan standards are unfunded mandates. It burdens agencies with additional sale analysis without additional budget and workforce.

Issue: Administration Memo of Agreement between agencies and other administration interference impedes the implementation of the Emergency Salvage Program.

Issue: President's Forest Plan and the Eastside Ecosystem Management project are not working. They have not produced a predictable timber supply or accomplished restoration of diseased forests.

Issue: Agency accountability is suspect. Threefourths of sold volume is non saw timber, no bid sales and unawarded sales that are delayed for litigation and consultation.

Issue: Arbitrary "roadless areas" and road construction definitions limit access to conduct forest health projects.

Issue: Helicopter logging required in many situations where conventional logging methods are more appropriate and cost effective to meet resource objectives.

I have worked in the wood products industry for nearly 30 years. In the thirty years that I have been involved in the industry it has went through radical changes. We went from logging ten foot trees to logging ten inch trees, from focusing on saw logs to producing pulp material, from taking material out of the streams to putting large woody debris into streams. Each change has brought the need to adapt we have done that but we can not remain a viable industry unless we have a dependable supply of timber.

Over the last five years our company has migrated from a mix of 80% federal-20% private to 90% private-10% federal. It is ridiculous to continue to rely so heavily on private land for the majority of harvest when there are millions of acres of Federal land that is in desperate need of management. The federal-private mix is not the only major change we have gone through, in order to accommodate small diameter dead material we have mechanized and are able to handle 8-12 in. material and not only make a profit but pay the land owner as well.

When our operation is completed we leave a healthy vibrant forest that is fire proof and disease resistant. I believe that we can take the lessons that we have learned on private forest land and apply

them to federal land and achieve the same desired results.

As I was researching my testimony for this hearing I contacted Forest Service personnel. I asked them their impressions of the new Salvage Program the following three pages are anonymous solicited testimony that I have chosen to include unedited and in its entirety. The document gives new perspective on what is going on internally in the Forest Service.

AREAS OF CONCERN FOR MANAGEMENT OF FEDERAL LANDS

These areas of major concern to the management and resource decision making on Federal Lands or any public lands are:

1. Desired future condition or long-term vision
2. Accountability, responsibility and authority of managers
3. Resource management by legislation and adjudication

Desired Future Condition

A comprehensive but simple and understandable long-term vision that is acceptable to the majority of the public appears to be lacking. The National Forest Management Act was intended to fulfill this need. In concept it would do that. Several other pieces of legislation have also attempted to provide that vision also such as the Resource Planning Act and Multiple-Use Sustained Yield Acts.

The problem becomes the complexity, decision making requirements and commensurate funding levels of the legislation. Lack of trust and interest in ensuring specific resource decisions were made that did not consider the whole land base. Resource objectives often caused conflicting legal requirements and expectations. It is necessary to simplify objectives in terms that have accepted or well defined meaning and concepts. It must include all aspects of resource and environmental expectations and based on current conditions.

The current dissatisfaction is due to expectations not being met either because of misunderstandings, unrealistic expectations, interests that are not compatible with direction. Some of it is as simple as disagreement on how to get there - is the glass half full or half empty.

Desired future condition and management direction that all can understand (may not agree with) is critical to unlocking the frustration. Accountability, responsibility and authority a major issue with the public is defining who has authority, responsibility and is accountable for the various resource management decisions. It can and is also difficult for Federal Land Managers to determine at times.

The confusion is understandable when you consider the levels of impacts of the various resource decisions. Commodity oriented (timber, grazing, etc.) decisions generally have a direct impact on local communities and to a limited extent some regional impacts. However, the environmental consequences may have impacts on larger areas. These impacts include water and air affecting areas that may include whole states or major areas of several states. Clarity of desired future condition and long-term vision would be required first steps towards defining responsibility.

Defining responsibility alone will not reduce the frustration without appropriate and commensurate authority and accountability. One of the major issues is the intense requirements for accountability of all activities of Federal Land Managers. Congress has imposed some of the requirements in distrust of the agencies decisions and activities. A way must be found to reduce the bureaucracy of reports and enforcement of rigid rules. These rules (not all) have added to the slowness of the agencies to respond or to find creative ways to resolve issues or solve problems. Some legislation and rulemaking (although well intended) but are often created to solve isolated issues by applied broadly.

Decentralization of authority, responsibility, and accountability are critical to moving forward. However it must also be remembered that the issues and impacts can and do go far beyond the local area.

Legislated Resource Management

Legislated (including that resulting from judicial rulings) resource management is one of the most difficult areas of concern for Federal Land Managers. It is necessary for direction and defining expectations particularly with the budget.

The issue here is when that legislation requires resource decisions to resolve problems in a general context when in fact they were intended for a very particular issue. The major case in point is the chaos resulting from the Endangered Species Act that doesn't recognize the cumulative impacts to other resources or to social fabric.

Another contributing factor is redirecting agency funding to special projects without consideration of impacts on other aspects of agency goals or mission. This is best illustrated using the Forest Service Budget where specific direction is giving limiting or increasing funding without looking at the impacts on other areas.

Timber sales may receive increased funding while supporting resources such as wildlife or road construction reduced. This causes managers to look at isolated activities and can result by passing the needs critical to the overall health or support of another resource.

Legislation needs to be simplified for:

1. A greater flexibility to resolve resource issues
2. Holistic resource management
3. Adapting to new resource needs or current scientific information that requires changing methods or activities.

The overly complex legislation has led to the quagmire of bureaucracy and susceptibility to lawsuits. Although it is easily realized that Congress and the Administration have used this as a method to ensure specific objectives are met, it is one of the major blockages to achieve quick adjustments in resolving resource management.

Federal Land Managers and those making resource decisions need to be held accountable it is essential that the specific objectives must be generated in the field at the watershed level but with the full realization of the needs of regional area and adjacent jurisdiction as well as the direction of national goals, objectives and mission.



BILL FISHER
STATE REPRESENTATIVE
 DOUGLAS COUNTY
 DISTRICT 45
HOUSE OF REPRESENTATIVES

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 Chair: Agriculture and Forestry
 Environment and Energy
 HUMAN RESOURCES AND EDUCATION
 Subcommittees:
 Human Resources
 CHILDREN AND FAMILIES

November 2, 1995

The Honorable Wes Cooley
 US Congressman
 1609 Longworth Bldg.
 Washington, DC 20515

Dear Congressman Cooley:

How disappointed I am not to be able to attend the Salvage Logging Task Force Hearing in Medford, but prior commitments in Portland must be fulfilled. However, since I won't be at the hearing I will commit to paper my total support of salvage logging.

I was raised in eastern Washington, just a few miles from the Blue Mountains and I am very familiar with the pest infestations which have devastated those forests. The Blue Mountains extend from northern Oregon to southern Washington and the waste of timber from the effect of insect kills is atrocious.

The inability of the US Forest Service to buck the barrage of bologna from the preservationists has resulted in at most a halfhearted attempt to deal with the problem. The outcome is a sick forest full of dead and dying trees which provide nothing for the economy or for the future health of the forest.

This do nothing lockout policy does nothing but create a tremendous fire hazard, a breeding ground for more pernicious insects, a seed bed for trees of less quality and value, an inferior future for a quality forest and what it could provide for wildlife and last but certainly not least is the loss of economic possibilities and the waste of the forest products which could be produced from the proper use of the timber.

As these conditions spread westward toward the coast it is mandatory that we as leaders, do not contribute to the conflagration.

Salvage logging is a wonderful aid to keeping forests healthy, combating insect infestations, protecting wildlife and vastly reducing the danger of catastrophic fires so intense that they damage the ability of the soil to regenerate a healthy forest. While doing all of the above and more, lo and behold, it is aiding the economy and providing wood (That wonderful renewable resource.) for the needs of the nation.

Jim Jontz and his tree hugging crowd never will understand that we need wood products and that large portions of the western states are by nature designed to produce timber just as surely as the Midwest is by nature a crop farming area. They are a small minority of loud mouths who have used a gullible media to advance their position. Ironically, largely through the printed word which must

page 2

have wood fiber to exist.

The timber dependant communities praise the work of the Task Force and urge that they continue unabated in their pursuit of salvage logging. The Task Force members get an unreserved thank you from us.

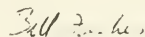
One last comment. Please don't stop with just efforts to open up salvage logging. Won't you look around as you travel to and from Medford; see the hundreds of thousands of square miles of country with growing timber of all age categories; timber growing on land that by contour design and soil make up is supremely fitted for timber production; recognize that forest farming is right for us, just as crop farming is right for the Midwest. And just as the Midwest needs hundreds of thousands of square miles to produce food for the nation, so too do we need similar square miles for timber production.

Please take the message back with you that our economic base should not be locked up by unreasonable environmental laws. We are not a playground for all the rest of the country. We are a vital link in the economic and product producing chain of the nation and the world! We have every right to properly use our timber resources for our support and see that those resources aren't wasted or locked out of our reach.

With our small population, we are dependant upon you and your colleagues to become our spokesmen to protect us and not deny us the opportunity to support ourselves while we provide products to the nation that are readily renewable.

Thank you again for all the effort on our behalf.

Sincerely,



Bill Fisher, State Representative
Oregon House District 45

BF:lsh

**TESTIMONY OF
ANN HANUS, ASSISTANT STATE FORESTER
OREGON DEPARTMENT OF FORESTRY
BEFORE THE
TIMBER SALVAGE TASK FORCE**

November 4, 1995
Medford, Oregon

Thank you for the opportunity to present our views to your Task Force this morning. I am here today representing State Forester Jim Brown and the Oregon Department of Forestry.

My comments today will focus on two key themes related to responding to Oregon's forest health problem:

- First and foremost, ensuring that professional foresters have access to all of the forest management tools in the toolbox to attack the forest health problem. That includes carefully planned stand management activities like pre-commercial and commercial thinning, harvesting where appropriate, and the careful use of prescribed fire.
- Secondly, I will encourage you to take actions that remove roadblocks to interagency and cross-ownership cooperation. The forest health problem knows no landownership or jurisdictional boundaries. We must work together to fix the problem.

Since the early 1980's, almost seven million acres of Oregon forest lands have been infested with bark beetles and defoliating insects. That amounts to almost one quarter of all forest land in Oregon and almost 60 percent of northeast Oregon forests. Eastern, central, and southern Oregon forests have been struck especially hard.

In spite of state and federal laws designed to protect our forest ecosystems, we have seen ecological conditions on some lands deteriorate. The reasons are complex and involve both human and natural causes. It is due in part to the exclusion of fire, the overstocking of forest stands, extended drought and earlier management decisions that favored the introduction of drought-intolerant species, and the inability to coordinate management across land ownership boundaries.

While the massive outbreaks of western spruce budworm and mountain pine beetle have peaked out, the combined effect of the dead and dying trees and exclusion of fire have resulted in an unprecedented accumulation of fuel and the potential for unstoppable, catastrophic wildfire. Many do not realize that damage from insects and disease annually exceeds damage caused by wildfire. Each year, approximately 1.6 billion board feet of timber -- over one third of Oregon's total annual timber harvest is destroyed by insects and disease.

Without action, forests will continue to die ... burn ... and repeat the same cycle again.

We must take immediate action to reverse the decline. Timber salvage should be considered as one tool among many to correct the situation. Our long term goal must be the rebuilding of our forests so they will have natural resistance to fire, insect and disease damage and will provide abundant fish and wildlife habitat.

LeRoy Kline, leader of the Insect and Disease Unit for the Department of Forestry, will discuss specific actions that are needed in a subsequent panel today. The state believes that a careful but intensive forest management approach is needed, especially on federal lands which have been particularly hard hit. Short term actions should include salvage harvests or spraying of severely impacted stands. Long term actions should include thinning of stands to improve tree spacing and providing a healthy and diverse mix of tree species that are tolerant to drought, insects, and fire. We also believe that fire needs to be reintroduced through carefully planned and extensive prescribed burning efforts in eastern Oregon.

Our recommended actions include:

- Encouraging the salvage of dead timber in an ecologically sound manner to reduce fire risks, improve forest health and provide timber and other resources.
- Creating and maintaining tree species composition and stocking levels so that forests are less susceptible to insects, disease drought and destructive wildfire.
- Reviewing federal land management laws and determining where management and fuels reduction roadblocks exist, so these roadblocks can be removed and forest health can be restored as quickly as possible.
- Clarifying the roles of different forest land ownerships.
- Harmonizing the federal Clean Water, Clean Air, National Environmental Policy, National Forest Management, Federal Land Management and Endangered Species acts.
- Revising the federal Endangered Species Act to increase incentives for landowner cooperation and ease the development of habitat conservation plans.
- Providing incentives for private landowners to be progressive forest stewards.
- Bringing together all landowners and managers under the umbrella of ecosystem management.
- Using a collaborative, problem-solving approach to make natural resources policy and management choices.

In addition to these recommendations, I urge you to consider strongly the recommendations of task force commissioned by Governor Kitzhaber to focus on the Blue Mountains. They were asked to report on:

- (1) Principles for environmentally sound timber harvest and examples for different ecological conditions;
- (2) Estimates of the number of acres potentially available for this type of harvest in each of the ecological categories;
- (3) An estimate of the harvest volume in each of the ecological categories;
- (4) A simple economic analysis of harvest for each of the examples; and
- (5) Obstacles and impediments to harvest, noting if they vary by category.

The Task Force included ten of the top forest and wildlife experts in Oregon. I have attached a summary of their major points to my testimony. Implementation of their recommendations will result in significant improvements to forest health in eastern Oregon.

In summary, we must start immediate actions to correct the health of our forests. These actions should not only include prudent timber salvaging, but they should also include other forest management tools to address the multi-faceted problem that took decades to create. Our forests will not be cured over night; they will likely take decades to recuperate. We must work together -- the federal government, states, timber purchasers, environmentalists, and other concerned citizens -- to fashion solutions that will not produce more conflict but will rather result in solutions for the long term good of our forests.

**TESTIMONY SUBMITTED BY
LEROY KLINE
FOREST HEALTH/INSECTS & DISEASES UNIT
OREGON DEPARTMENT OF FORESTRY
BEFORE THE
CONGRESSIONAL TIMBER SALVAGE TASK FORCE**

November 4, 1995
Medford, Oregon

Thank you for the opportunity to present my views to your Task Force today. My comments will focus on the past, present, and future damage to our forests from insects and diseases, and actions required to prevent future damage.

INTRODUCTION:

Insects and diseases are an integral component of forest ecosystems and a major component of biodiversity. Generally speaking, they are not the cause, but rather symptoms of a stressed condition (i.e., drought; dense, over-stocked stands; wrong tree species for the site). And, in some regards, they could be considered agents of restoration rather than causing forest decline....providing, of course, there are no catastrophic fires.

The forest health problem in Oregon and throughout the western United States has not gone away, although current mortality to remaining trees may be slowed due to some return of "normal precipitation" and other unknown factors. We need to take advantage of the present lull of cyclical high damage, and start implementing prevention strategies at the same time we are salvaging dead timber and reducing high hazard fuels.

The forest health focus should be on restoration forestry, which should be done mostly through treatments of **LIVE FORESTS** well before the salvage question needs to be addressed. Although salvage is a useful economic activity, it should be clear that a forest management strategy focused only on salvaging insect- and fire-killed timber will not solve forest health problems. It can also disrupt managers and forest interests from working together to address real forest health problems. The policy trap that we face is that unless pre-insect/fire treatments can be increased, larger, more intense insect outbreaks will occur and more stand-replacing wildfires are certain. This means more insect/fire killed timber to fuel salvage controversies and less ability on the part of the agencies or the wood-working industries to apply preventive treatment to a shrinking base of green stands that could survive future insect outbreaks and fires if properly treated.

The more that salvage dominates the forestry agenda, the more salvage there will be to do. After this cycle of insects, fire, insects, and fire is over, 21st century forestry could very well face decades of protecting young recovering forests with few, if any, timber receipts to help fund the work. **THERE IS A GREAT TENDENCY TO FIX PAST MISTAKES. HOWEVER, UNLESS MORE EFFORT IS DEVOTED TO LOOKING FORWARD**

TOWARD PREVENTION RATHER THAN BACKWARD TOWARD CORRECTION, WE WILL CONTINUALLY BE TRYING TO CATCH UP. We need to create fire- and insect/disease-safe forests. It is not realistic to think that we can create fire- and insect/disease-proof forests. We should also be prepared, when extreme conditions return, to have catastrophic insect outbreaks and fires.

FOREST HEALTH MONITORING:

The Oregon Department of Forestry and the U.S. Forest Service have been conducting surveys to determine the cause and amount of damage to forests in Oregon since 1947. Each summer, aerial observers visually sketch or to maps the location, cause, and extent of damage to trees. Most of the damage observed is due to insects, but other types of damage are also recorded.

The current forest health crisis in Oregon and throughout the West started because of unprecedented outbreaks of two types of insects, defoliators and bark beetles, and the resulting fire hazards. An insect defoliator called the western spruce budworm (Attachment A) started in Oregon in 1980, peaked in 1986, and declined in 1993 back to endemic levels. This insect attacks primarily Douglas-fir and true fir tree species and reduces growth and kills tops of trees or entire trees. Various species of bark beetles attack and kill trees that are weakened by defoliating insects such as the western spruce budworm, drought, dense, overstocked stands, or tree species on the wrong site. Attachments B, C, D, and E show the amount of damage in four different tree species, by ownerships and trend of damage from 1985 to 1994. Attachment F shows the general location of tree mortality caused by all species of bark beetles for 1992, 1993, and 1994.

It is expected that the western spruce budworm will remain at endemic levels for the next 20 or so years before starting another outbreak cycle. Other defoliating insects such as the Douglas-fir tussock moth and pandora moth, however, could cycle at much shorter intervals but only for several years. Bark beetles will continue their overall general decline, with the exception of local "hot spots," and return back to endemic levels as long as precipitation continues to increase and return to more "normal" conditions. Unless dense, over-stocked stands are thinned, large-scale outbreaks of bark beetles, particularly in ponderosa and lodgepole pine, are expected to occur in about 20 to 30 years.

ACTIONS REQUIRED:

- (1) **Maintain appropriate stocking levels (reduce number of trees to match carrying capacity of the land).**

Managing stand density (and at times other understory vegetation) to avoid stress may help trees be more resistant to pests. Thinning can improve the vigor of remaining trees and increase their chances of surviving future outbreaks of bark beetles and defoliators. In pine stands, thinning (maintaining appropriate level of basal area) may prevent outbreaks and definitely will minimize impacts of bark beetle outbreaks when they occur. In regard, to insect defoliators, thinning is unlikely to prevent future

outbreaks at the local level. Widespread thinning across the landscape, especially when interspersed with non-host species, could reduce the scale, intensity and duration of outbreaks. Of course, the benefits of density management through thinning must be balanced with the potentially negative impacts of tree damage and site disturbance and, in some cases, removing hiding and thermal cover for wildlife. **Overall, thinning is perhaps the most critical forest management treatment available to restore forest health.**

(2) **Favor appropriate tree species and genotypes.**

Through thinning, selective harvesting, interplanting, and underplanting (using pest resistant seedlings where possible), maintain tree species and genetic variation within tree species that are appropriate for the site.

(3) **Provide an increasingly diverse mix of tree species.**

In general, a diverse forest of different species will be better able to survive an unexpected extreme event than a single-species forest.

(4) **Maintain or create the desired stand structure for the site.**

Even when the desired tree species are present, stand structures (mainly multi-storied stands of a single tree species) can influence pests, particularly from spreading. Varied spacing which takes advantage of natural barriers can reduce spread of some pests.

(5) **Implement suppression/eradication projects as needed.**

Despite our best efforts of prevention, native pest populations and associated damage can exceed desired levels. In this case, suppression action may be necessary. Also, support should be given through regulatory and monitoring efforts of U.S. Department of Agriculture, Animal Plant Health Inspection Service (APHIS) and the Oregon Department of Agriculture to prevent introduction of exotic pests. In the event of an introduction, aggressive action should be taken to eradicate the pest.

(6) **Coordinate activities with adjacent landowners, including state, federal, county, tribal and private lands.**

Pests do not abide by property boundaries. Mutual benefit often can be derived from cooperative efforts to reduce unwanted effects of pests.

SUMMARY:

In summary, the over-all general trend of damage in Oregon caused by insects and diseases is downward for the next decade. ~~However~~, we can expect localized "hot spots" of damage from various species of bark beetles and perhaps a defoliator or two. We need to take advantage of the present lull of cyclical high damage, and **START IMPLEMENTING PREVENTION STRATEGIES AT THE SAME TIME WE ARE SALVAGING DEAD TIMBER AND REDUCING HIGH HAZARD FIRE FUELS.** Other wise, we will continually be trying to catch up with salvaging dead timber.

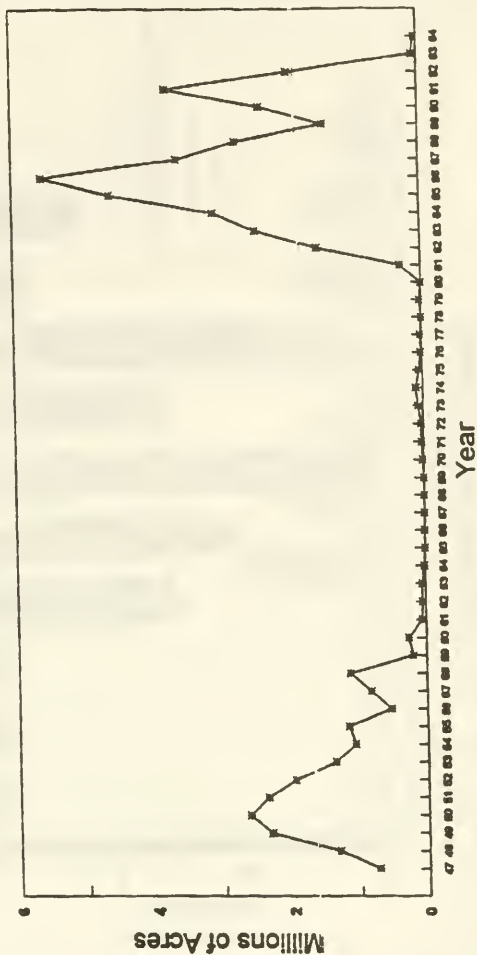
Thank you.

Attachments

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ATTACHMENT A

**Western Spruce Budworm Defoliation
In Oregon - 1947 To Date**

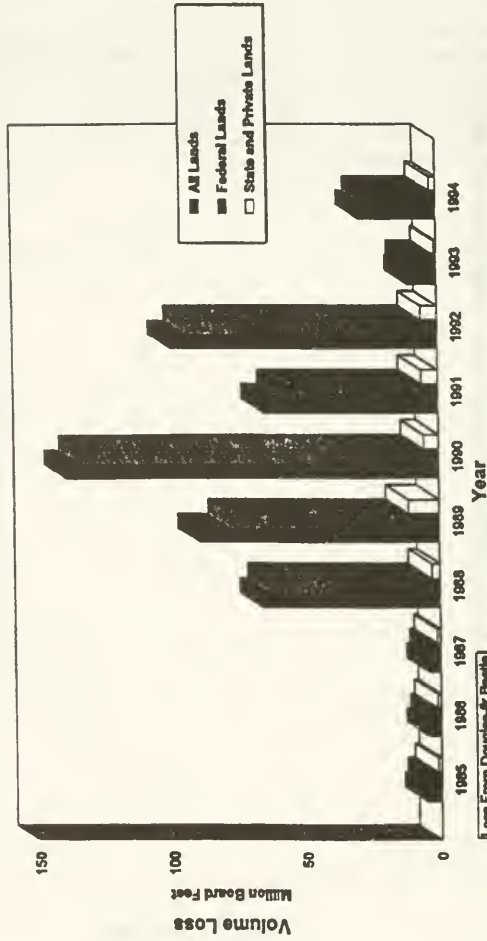


All Ownerships
Source: ODF/USFS Coop Aerial Survey

ATTACHMENT B

Douglas-fir Mortality Trend

Oregon By Ownership



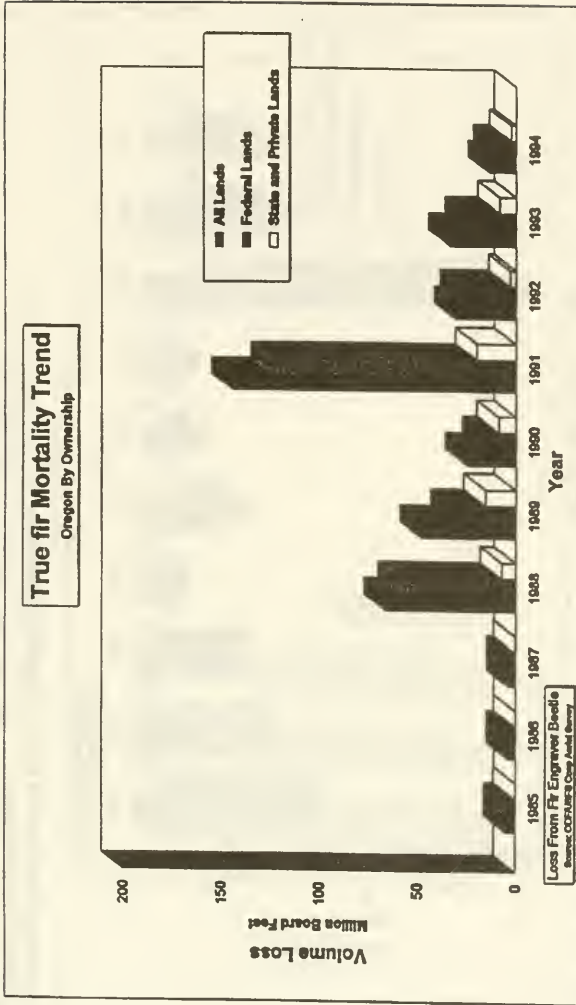
Douglas-fir Mortality Trend - Oregon By Ownership

Volume Loss (Million Board Feet)

Year
1985 1986 1987 1988 1989 1990 1991 1992 1993 1994
All Lands
Federal Lands
State and Private Lands

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ATTACHMENT C

**True Fir Mortality Trend - Oregon By Ownership**

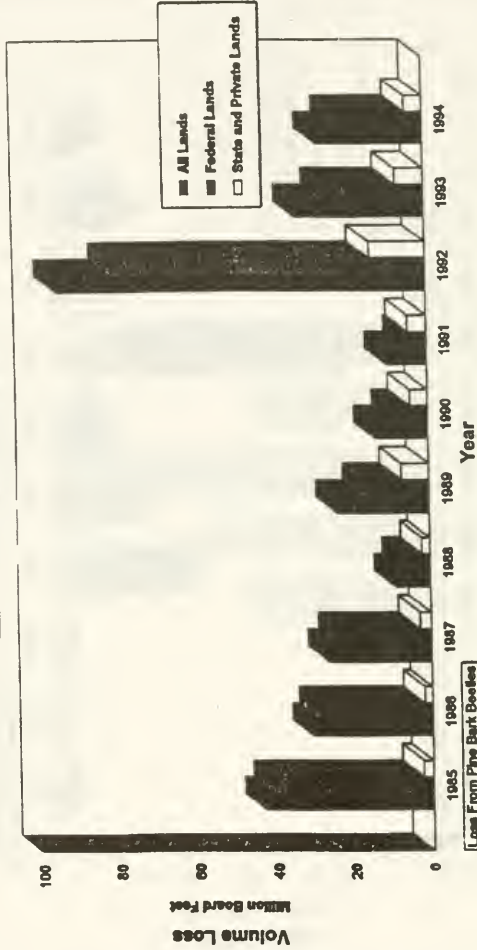
Year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Volume Loss (Million Board Feet)	0.1	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
All Lands	0.1	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Federal Lands	0.1	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
State and Private Lands	0.1	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3

s172dshend

ATTACHMENT D

Ponderosa Pine Mortality Trend

Oregon By Ownership



Ponderosa Pine Mortality Trend - Oregon By Ownership

Volume Loss (Million Board Feet)

Year

All Lands

Federal Lands

State and Private Lands

Source: ODF/USDA Oregon Forest Inventory

1985

1986

1987

1988

1989

1990

1991

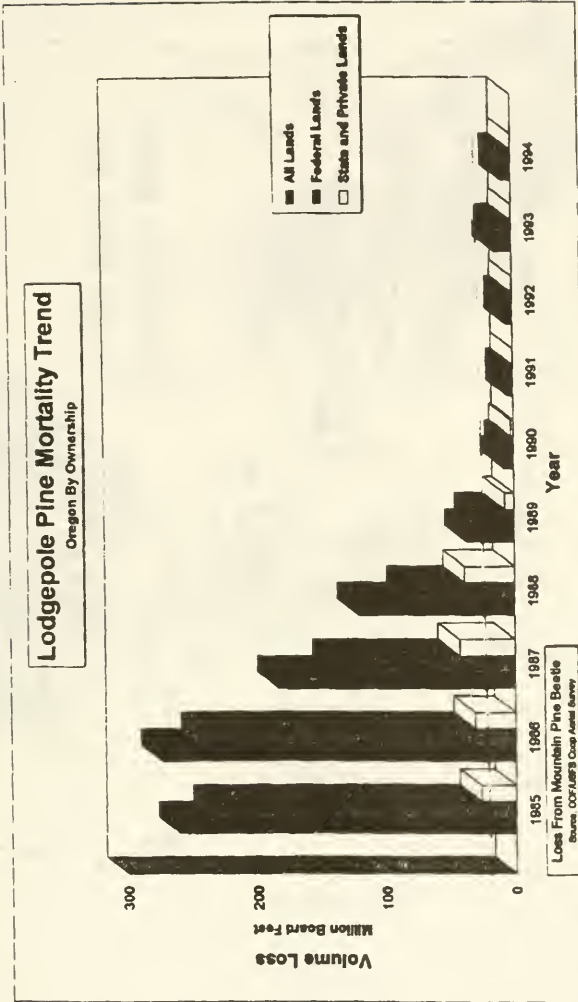
1992

1993

1994

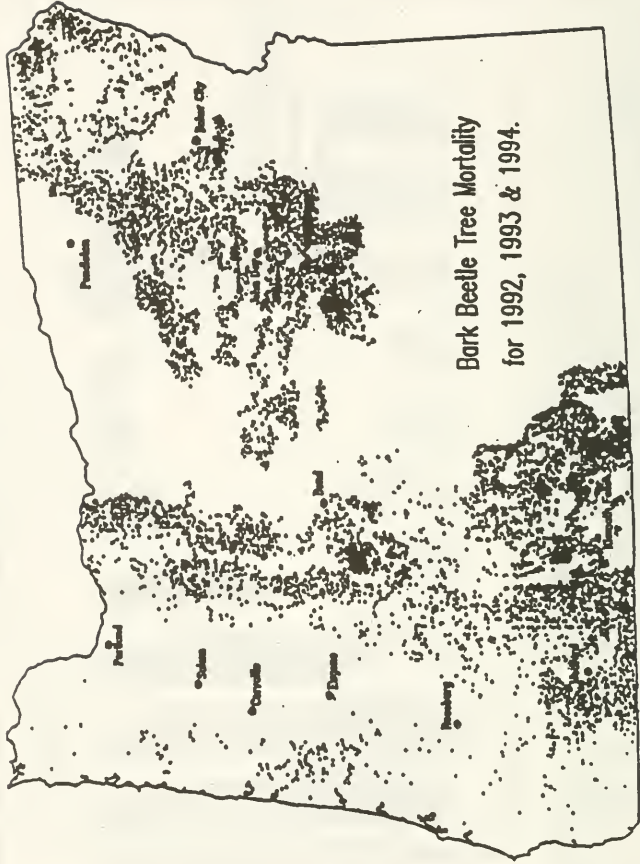
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ATTACHMENT E

**Lodgepole Pine Mortality Trend - Oregon By Ownership****Volume Loss (Million Board Feet)**

Year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
All Lands	259.8	272.9	182.8	120.3	36.9	7.4	4.2	4.6	13	7.3
Federal Lands	232.8	241.6	139.6	81.7	29.6	5.5	4.1	4.4	12.5	7.2
State and Private Lands	27	31.3	43	38.6	7.3	1.8	0.1	0.4	0.5	0.1

ATTACHMENT F



Shaded areas show location of dead and/or damaged trees. Intensity of damage in each area will vary (i.e. all of the trees are not dead or damaged).
Source: ODF/USFS Coop Aerial Survey

Testimony Presented To The
U.S. House Of Representatives
Committee On Resources

Task Force On
Salvage Timber And Forest Health
To Study Issues Associated With
Timber Salvage On Public Lands

Honorable Wes Cooley, Chairman

Subject:
Salmonid Resources And
Freshwater Habitat Issues

Prepared For The
Northwest Forest Resource Council
Portland, Oregon

Submitted By
John F. Palmisano, Ph.D.
Fisheries Scientist
Beaverton, Oregon

On
4 November 1995

Holiday Inn
Medford, Oregon

Summary

Current poor forest health conditions in Oregon's public lands continue to contribute to increased fuel loads that can lead to catastrophic wildfire. Wildfire can affect timber, wildlife, and fisheries resources in the Pacific Northwest, however, impacts to salmonid resources have not received appropriate attention. In addition, wildfires associated with forest health problems represent the single largest risk factor to many special-status fish populations in the region. Wildfire adversely affects salmonid stream habitats and fish survival by increasing storm runoff, increasing sediment loads and debris; and decreasing vegetative cover. Wildfire effects are extremely destructive to riparian habitats. In sharp contrast, timber harvest effects have been greatly minimized by the current advances and highly regulated practices of the region. Thus, timber salvage operations, rather than causing irreparable environmental harm, can prevent such harm to fisheries, wildlife and forest resources by reducing fuel loads and thus preventing wildfire. The risks to salmonid resources associated with salvage operations are minor compared to the risks that exist if salvage operations are prohibited. Furthermore, salvage associated risks can be mitigated.

Congressman Wes Cooley

U.S. House of Representatives

Committee on Resources

Chairman, Task Force on Salvage Timber and Forest Health

Dear Chairman Cooley:

Thank you for the opportunity to participate in this forum and to present testimony before the Timber Salvage Task Force. My name is John F. Palmisano. I am an independent fisheries scientist from Beaverton, Oregon, and I represent the Northwest Forest Resource Council of Portland, Oregon. I have a Ph.D. in Fisheries Ecology from the University of Washington, a Master's Degree in Fisheries Biology from Utah State University, and Bachelor Degrees in Biology and Conservation from the University of Wisconsin. I am certified as a Fisheries Scientist by the American Fisheries Society, and as a Senior Ecologist by the Ecological Society of America.

Expertise

I have over 20 years of professional fisheries experience in the Pacific Northwest as a researcher, teacher, and consultant. I was a Marine Biologist for the National Marine Fisheries Service in Juneau, Alaska; taught courses in Fisheries and Ecology at the University of Washington in Seattle, and at Western Washington State University in Bellingham; and was a Fisheries Scientist with a national consulting firm in Bellevue, Washington. For the last 7 years, I have been sole proprietor of my own biological consulting firm in Beaverton, Oregon, where I have concentrated on factors affecting anadromous (i.e., ocean-migrating) populations of Pacific Northwest salmonids, i.e., salmon and trout. (Please see attached list on my recent experience.)

Relevant Experience

I recently coauthored two scientific studies that reviewed the factors which have adversely affected the anadromous salmonid stocks of the Pacific Northwest: *A Review of Management and Environmental Factors Responsible for the Decline and Lack of Recovery of Oregon's Wild Anadromous Salmonids* (Kaczynski and Palmisano 1992); a revised edition of this report: *Oregon's Wild Salmon and Steelhead Trout: A Review of the Impact of Management and Environmental Factors* (Kaczynski and Palmisano 1993); and *The Impact of Environmental and Management Factors on Washington's Wild Anadromous Salmon and Trout* (Palmisano *et al.* 1993a). In the last four years, I have addressed coho salmon (Palmisano 1995d, 1994a), steelhead trout (Palmisano 1995b, 1992b), and cutthroat trout (Palmisano 1995c, 1994c, 1993b) issues in southern Oregon; and chinook and sockeye salmon issues in the Columbia, Snake, and Grande Ronde rivers in eastern Oregon (Palmisano 1995a, 1994b, 1993a, 1992a; Palmisano *et al.* 1993b). In addition, I have recently visited public forests in Oregon and Washington State that have been devastated by disease, insects, and wildfire, including the area of the Tanner Gulch Fire in the Upper Grand Ronde River. Therefore, I believe that I am qualified to address the salmonid fisheries issues that are associated with timber salvage and forest health in Oregon.

Forest Health

Today, forest health is extremely poor in several western Federal forests (Adams 1995, FS 1994, American Forests *et al.* 1994, and Sampson and Adams 1994). These Federal lands are under tremendous risks of catastrophic wildfire similar to those that destroyed 4 million acres and took the lives of 33 fire fighters in the western United States during the summer of 1994. The persistent absence of significant levels of harvest, salvage, and fuel reducing activities have contributed to a very dangerous situation. The problem needs urgent action and the Agencies are aware of the situation. However, although the Forest Service produced the *Western Forest Health Initiative and Report* in 1994 (FS 1994), no meaningful actions have yet been taken to lessen the danger. Mrowka (1995), a U.S. Forest Service official in Washington, D.C., candidly admitted "... that the forest health issue has not been adequately addressed in recent Federal management programs, such as PACFISH, FEMAT, and the Inland Native Fish strategy".

Objective

The objective of my testimony is to assist your Task Force in understanding the fisheries issues identified with timber salvage and forest health. Although you may associate forest health with timber and wildlife resources, timber health greatly affects stream habitat and salmonid fisheries resources in forested environments of the Pacific Northwest.

Impacts to stream habitats from wildfires have not received appropriate attention. In addition, wildfires associated with forest health problems represent the single largest risk factor to many special-status fish populations in the Pacific Northwest (Kaczynski 1994). Federally endangered populations of chinook salmon in Idaho's Salmon River Basin now have a higher risk of extinction because of the excessive sediment loads caused by the catastrophic wild fires of 1994

(Thunder Boldt EIS, Boise National Forest 1995). Affects of wildfire are extremely destructive to riparian habitats. In sharp contrast, timber harvest effects to riparian and other stream habitats have been greatly minimized by the current and highly regulated logging practices of the region. Thus, rather than causing irreparable harm to the environment, timber salvage activities have the potential to prevent irreparable environmental harm to fisheries, wildlife, and forest resources by reducing fuel loads and eliminating the risk of wildfire. Equally important, the potential risk to salmonid resources associated with salvage logging are minimal compared to the risk of not conducting salvage operations. In addition, salvage risks can be mitigated.

The potential for catastrophic impacts is especially high with the present situation of recent drought conditions, unnaturally high densities of mixed species of trees, and high fuel loads in southern and eastern Oregon forests (Kaczynski 1994b). Kaczynski (1994a) has reported that wildfires adversely affect fish habitat in three direct ways, by:

- 1) Increasing storm run-off
- 2) Increasing sediment and debris, and
- 3) Decreasing vegetative cover

These affects will be described in detail below (see Wildfire Effect On Salmonid Fisheries). First, however, we will present a description of current logging practices in the region to allow a comparison between the risks and benefits to salmonid resources from timber salvage operations, and the risks associated with wildfire.

Logging's Benefits and Risks

Forestry has been the most studied land use in terms of impacts on anadromous fisheries. The potential adverse affects of past, unregulated timber harvest are well documented (e.g. Adams and Ringer 1994; Meehan 1991; Sedell and Luchessa 1982; and others). However, the logging practices of the past are not the logging practices of today. Logging may have had adverse impacts up to 1972 when the first round of the Forest Practices Acts were adopted in Oregon. Beginning in 1972, forest practice rules were enacted to protect fish bearing streams. These were the first comprehensive forest practice rules in the nation. The rules continuously have been strengthened to protect riparian vegetation, stream habitat, and water quality (even in non-fish-bearing streams), and to reduce sediments. The newest rules were adopted in 1994. Today, logging is the most regulated land-use activity in the Pacific Northwest.

To place the proper perspective on the benefits and risks associated with logging activities - including salvage logging, it is essential to know that all logging activities have only three potential affects on freshwater fisheries. The affects can be neutral, beneficial, or adverse. Beneficial affects can occur to fish populations following the complete or partial or removal of the forest canopy, even in riparian zones. Studies by Murphy and Hall (1981), Bisson and Sedell (1984), and others, have documented shortterm increases in trout populations after such removals. The increases were related to increased food availability, which is associated with elevated levels of light and water temperature that followed the removal of the forest canopy.

Under practices of past, unregulated timber harvest, forest roads and logging activities contributed fine sediments that may have damaged spawning habitat, developing eggs, and juvenile salmonids. Logging in riparian areas may have reduced shade or contributed to suboptimal temperature regimes for salmonid-bearing waters. Equally important, the absence, or removal, of large woody debris, attributed to logging practices, may have significantly reduced important instream habitat.

Logging Effects on Water Resources

Effects of forest practices on water resources in the Pacific Northwest have long been of interest to both resource managers and the public. Although not widely known to the public, a significant understanding of the effects of forest practices on water resources has evolved from over 30 years of research (Adams and Ringer 1994).

This research clearly has shown that timber harvesting and forest roads can affect water quality and quantity. Popular perceptions commonly are that forestry effects are invariably negative and relatively permanent. However, research has shown insignificant, positive, and combined effects that were greatly influenced by the specific location, treatments, and duration of the study, and that the adverse effects are healed with the passage of time (Adams and Ringer 1994).

Much of the research on forestry and water resources was done years ago, and these results should be considered in light of current management standards and available technologies. Although more research can help us better understand the complex cause-and-effect relationships between forest practices and water resources, careful application of the available research should allow resource managers to successfully address most contemporary concerns (Adams and Ringer 1994).

Logging and Water Quantity

Actual or potential changes in streamflow often are attributed to nearby timber harvesting. Interestingly, it is not unusual to hear claims of both increases and decreases in flow attributed to logging. Although research shows that such a wide range of effects are possible, usually no obvious flow change is expected because only a small portion of a watershed is harvested during individual logging operations.

When a sizable area of a watershed is logged (e.g., more than 15 or 20 percent), streamflow typically increases. Water losses through uptake and evaporation by forest cover generally is greater than with any other type of plant cover or land use, so when logging removes trees, more water is available to add to streamflow.

Documented examples of decreased streamflows after logging are relatively rare. Decreases in streamflow have been shown only after logging forests in areas where "fog drip" (i.e., interception of fog or cloud moisture by the forest canopy, which then drips to the ground) was notably heavy.

Finally, research has shown no clear evidence of logging effects on peak streamflows. Large floods normally occur simply when an extended period of very heavy rains adds too much water to soils and streams to absorb, regardless of land use.

Forest Roads and Water Quantity

Only a few studies have evaluated the effects of forest roads on streamflow separately from logging effects. In general, studies in larger watersheds showed little or no effect on streamflows while those in small, upland watersheds found that road construction increased peak flows.

Logging and Water Quality

Water temperature increases have been observed in a number of locations where logging removed vegetation that previously shaded a stream, generally under standards of practices used in the 1960s. Such findings helped stimulate Forest Practices Rules to maintain most shade along major forest streams. Recovery from temperature increases occurs after streamside vegetation has grown back to again provide shade.

Increased sediment in streams after logging has been seen in several studies, although many studies have not clearly distinguished logging effects from those of related treatments such as road construction and slash burning. Again, these effects were caused by the use of standards and equipment of the 1960s. In addition, the widespread practice of stream clean-up (removing woody debris to enhance fish passage) during this period may have contributed to sedimentation.

Forest Roads and Water Quality

Research conducted in steep terrain has shown a number of clear examples of increased erosion and stream sedimentation from forest roads. Greatest effects typically have occurred during major storms shortly after road construction, with sedimentation generally declining with revegetation of roadsides and other natural stabilization. Again, most research was on roads constructed in the 1960s and 1970s. Where improved location and design have been used, less erosion has been observed.

Proper Perspective of Timber Salvage

With this background information on logging's current benefits and risks, it should be relatively easy to understand that wildfire effects are catastrophic and that they are not comparable to the advanced and highly regulated forest practices of today. Although timber salvage activities have associated potential risks to stream habitats, these risks are insignificant when compared to the risks of wildfire. In contrast, the potential benefits of salvage logging to the region's salmonid resources are significant. In addition, salvage risks can be minimized - even eliminated, through several operational procedures that may be appropriate depending upon the local topography and weather conditions. These procedures can include logging by helicopter, and logging during winter under snow-covered conditions. However, even if all the potential risks to salmonids that are associated with salvage logging cannot be eliminated, the risks to salmonids are much greater if salvage logging does not transpire and wildfires occur.

Wildfire Effect On Salmonid Fisheries

The current poor status of forest health on Federal lands strongly suggests that the withdrawal of timber stands from any forest management activities could contribute even further to the present risks of destruction from catastrophic wildfire (Riggs 1994), and increased fuel loads that will result from insect infestation (Weatherby 1994), and disease (Adams 1995). Such destruction could prohibit the accomplishment of riparian and aquatic goals in the region.

Increased Storm Run-Off

Storm run-off is dynamic and it is affected by topography, precipitation characteristics, vegetation cover, and soil mantle capacity, which includes infiltration, storage, and transmission. Wildfire destroys the forest's vegetative cover and root systems, which increases the rates of erosion and slope failure. It also can destroy the upper organic soil horizon, which affects infiltration and storage functions. Wildfire increases surface erosion and surface run-off, and it may decrease summer flow because of lost water storage functions in the soil mantle. Loss of summer flow increases stream temperature. Destruction of vegetation leads to a loss of forest functions associated with decreases in the evapotranspiration rate. Declines in water evaporation through plants, increases stream flows, especially peak run-off events. This may shorten the spring run-off season by heightening the storm run-offs associated with spring storms. This leads to a stronger pulse of flood water in spring and a subsequent reduction in summer flow.

Increased Sediment and Debris

Wildfire results in subsequent pulses of various sized debris, nutrients, and biochemical reactions in aquatic habitats. In order of occurrence, these pulses generally include small to large organic debris, sediment to boulder sized debris, nutrients including ammonia nitrogen, and an increase in the biochemical oxygen demand (BOD). These events are usually followed by periods of increased stream temperature that adversely affect fish and other aquatic organisms. Temperature increases have been recorded that were sufficient to cause direct death, stress, and vulnerability of disease to fish. Sediment and ash particles can clog and irritate fish gill tissue, which can cause direct death or increased incidence of disease. Sediments can smother spawning gravel. This will decrease oxygen permeability and water flow through the gravel, which increases inter-gravel mortalities of fish eggs and alevins. Increased sediments decrease pool volume and decreases rearing and nursery areas. A large BOD (biochemical oxygen demand) pulse can deplete the dissolved oxygen to levels lethal for fish.

Decreased Vegetative Cover

Decreased vegetative cover leads to a loss of canopy and shade. This can lead to increases in summer stream temperatures, decreases in winter stream temperatures, increases in photosynthetic rate, but decreases in the input of needles, leaves, etc., which are a major primary component of the organic food chain in aquatic systems. These vegetative losses can cause long term shortages of the recruitment of large woody debris, which can lead to potential long-term simplification of stream habitat and reduction of important pool habitat.

Recommendations

To minimize the risk of wildfire in the Pacific Northwest, we recommend that all reasonable efforts be made to reduce present and future fuel loads. Timber salvage is currently one of the best methods available to achieve this goal. If other equally effective methods are available, they too should be used. Salvage operations should occur immediately, before additional wildfires can occur, before currently salvageable timber loses its economic value, and to take advantage of fall and winter field conditions that can minimize potentially adverse environmental impacts. Future wildfires can be minimized by allowing professional foresters to use state-of-the-art silvicultural management and harvest practices that can promote forest health and minimize excessive and unnatural fuel loads.

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TESTIMONY

TO

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON RESOURCES

TIMBER SALVAGE TASK FORCE

NOVEMBER 4, 1995

BY

ROBERT P. ELLINGSON, III

PRESIDENT, ELLINGSON LUMBER CO.

ON BEHALF OF

ELLINGSON LUMBER CO.

AND

INDEPENDENT FOREST PRODUCTS ASSOCIATION

I. Introduction

I would like to thank the House Committee on Resources, Timber Salvage Task Force and you, Chairman Cooley, for taking the time to come to Oregon to hold this important hearing.

My name is Robert Ellingson. I am President of Ellingson Lumber Co. in Baker City, Oregon. Our company has existed for 100 years in Wisconsin, Klamath Falls, and eastern Oregon. We have been in Baker City for the past 47 years and currently employ 165 men and women on a year-round basis. Our company has purchased timber off the Malheur, Wallowa-Whitman, and Umatilla National Forests for over 46 years. In recent years, our company has also been forced to purchase sales from the Boise and Payette National Forests in Idaho to supply our operation in Baker City. In order to maintain our operations, we must harvest approximately 50 million board feet of timber per year. In the past, over 90 percent of our company's timber supply came from the national forests of eastern Oregon, Washington and Idaho.

I am here today due to the mismanagement which is occurring on the forests of eastern Oregon, eastern Washington and Idaho. As you well know, Chairman Cooley, the forests of eastern Oregon have been devastated by a series of insect epidemics over the last four to five years. The chart on the next page shows that the national forests, which our company relies upon, were devastated with Spruce Budworm, Fir Bark Beetle, and Mountain Pine Beetle epidemics in 1991 and 1992. Those outbreaks occurred fully four years ago. If the Forest Service had reacted aggressively, salvaged the dead and dying timber and sanitized those stands, I wouldn't be here today. But they didn't, and I am here to try and help you in Congress understand what has happened and what has not happened over the last four years.

If Congress does not wrestle control of our federal forests from the forest planning -- preservationist pandering -- agency bureaucrats soon, or the Forest Service does not effectively deal with our dead and dying forest now, the American public isn't going to have many mature national forests left to enjoy. I am fearful that in many areas in eastern Oregon, it may already be too late.

II. It Is Time For A Change

I want to preface my testimony by clearly saying that I do not care who manages these lands, so long as the lands are managed.

For reasons I will speak of later, I have concluded that the current U.S. Forest Service managers are not getting the job done of managing the forests. At this point, I am worried about effective land management and do not much care about who implements the management, so long as management happens. I believe Congress should judge the Forest Service and the other federal managers, who the Clinton Administration now has working on the problem, based on their performance. If President Clinton and Al Gore want the Environmental Protection Agency (EPA), the United States Fish & Wildlife Service



(USF&WS), and the National Marine Fisheries Service (NMFS) involved, the performance of these agencies should also be measured based on the performance of the Forest Service in its efforts to implement the Emergency Salvage Program and a sustainable green timber sale program.

If the "dream team" can't get the job done, then Congress had best figure out how to get it done and find managers to get the job done. Our forests and my employees cannot wait another four years for these people to figure out how best to work together. We need results right now, not two or three years from now.

As I see it, Congress gave the Forest Service every tool it needed to effectively salvage the dead and dying timber when it passed, and the President signed, the Emergency Salvage legislation. The harvest levels Congress prescribed are only a fraction of the total amount of mortality which has occurred and will not even put a dent in the forest health problems we currently face. Congress must judge performance based on how much volume is harvested and how many acres are treated. Just look at the Allowable Sale Quantity for the forests, the estimated mortality, and how much volume the agency plans to salvage.

National Forest Data
Region Six
(in Millions of Board Feet)
(Based on 1/95 Forest Plan Data)

ASQ	Merchantable Dead		Economically Operable		Expected
	Roaded	Unroaded	Roaded	Unroaded	1996/1997 Salvage
3,441	2,596	318	1,615	157	1,139

I apologize for not being able to break this data down on a forest by forest basis, but the trend is clear. An amount of timber equal to one year's planned harvest currently sits dead and rotting in the forests of Washington and Oregon. In April of this year, the Forest Service estimated fully 1.6 billion board feet of dead timber was economically operable in areas of Region Six which are already roaded. By August, they had scaled back their planned harvest for 1996 and 1997 to 1.1 billion board feet. The forest plans for the Region would allow the harvest of 100% of the merchantable dead and dying timber estimated to exist in the forests of Washington and Oregon. Yet, they are planning to leave 60% of the merchantable dead timber to rot, foregoing hundreds of millions of dollars in potential revenues.

Mr. Chairman, just look at the insect and disease map of eastern Oregon. If the Forest Service meets their 1.1 billion board foot target, I would be happy. But at each step of the process, the Forest Service estimate of the final harvest drops. They have become an agency of planners, not doers. That stems from a lack of leadership, and the failure of the leadership to articulate a vision. I believe Congress has the responsibility to provide a vision and to hold the agencies' leaders accountable for the attainment of that vision. You've provided the vision; now please provide the supervision and accountability.

Mr. Chairman and members of the Task Force, I suggest you have a limited number of alternatives. Either you tie future funding for all land management and regulatory agencies (the Forest Service, BLM, NMFS, EPA and USF&WS) to implement the Emergency Salvage Program, along with a sustainable green timber program, or you need to find someone else to perform the management.

If you opt to leave the management of these lands with the "dream team", you must put into place three very fundamental changes to ensure that our forests are correctly managed.

First, you cannot simply downsize a dysfunctional organization without making structural changes and expect it to work any better than when you began.

We simply cannot afford an organization like the Forest Service, which has four levels of organization. Money flows from Congress to the Washington office, to the Regional offices, to the Forest Supervisors' office, then to the Districts. Each group takes a cut along the way. In reality, the only on the ground management which gets done is at the District level. If I ran my business with four levels of overhead, I would have ceased to exist a long time ago.

The next important step which must occur, no matter who you decide to entrust the management of those lands to, is that the regulator morass which entangles the current land managers must be dismantled.

If Congress wants these lands to be managed, then Congress is going to have to carefully examine the implementation regulations of the National Forest Management Act, the National Environmental Policy Act, the Endangered Species Act, the Clean Water and Clean Air Acts, and several other executive orders. Congress, the Administration (including past Administrations), and the agencies have all worked for twenty years to build the regulatory briar patch we find ourselves hopelessly lost in today. I implore you to look beyond the simple solution, find new managers, and rework the legal and regulatory underpinning.

Finally, free the managers of the cowardly lawyers in the Office of General Council.

Time and time again, the federal managers have capitulated to the slick lawyers of the preservation movement, because the OGC lawyers are afraid to go to court. As a result, the land suffers. If OGC cannot show a judge pictures of eastern Oregon and convince the courts of the need for immediate management, then the Forest Service should find competent legal help.

If the courts are the ones responsible for stopping emergency salvage, then Congress must address that problem. But, the Forest Service should at least go to court to fight to manage the land.

The eastside screens would not be in place today if land managers, not lawyers, were working the decisions.

The client/lawyer relationship between the Forest Service and OGC has been turned on its head. Congress should fire the OGC lawyers and free the Forest Service to hire a competent and aggressive private-sector firm.

If the lawyers continue to make the land management decisions, our forests are doomed.

Quite frankly, I do not think Congress can untangle the gregorian natural resource knot. I believe Congress should find new managers and ensure the new managers are not saddled with the laws and regulations the current managers now suffer.

III. The Forests Of Eastern Oregon Are In Cardiac Arrest

According to a report by ten preeminent scientists from Oregon, undertaken this past spring at the request of Governor John Kitzhaber:

"Fifteen to twenty percent of the standing forest on the National Forests in the Blue Mountains was dead according to a recent (1994) inventory, with about half of the dead occurring in the last five years."

The Kitzhaber report also recognized what the eventual conclusion to an insect epidemic, of the proportions our eastern Oregon forests have suffered, will be. The authors correctly report that:

"Current forests, with lower average tree diameters and crown heights, support higher severity fires...but the severity of these fires, once overwhelmingly dominated by low severity, is now dominated by high severity fires."

The report also says not all the forests are dead. That is true, but it is not the insects which totally kill the forests. They are but a first step. Fire, as the authors correctly noted, are becoming more frequent and more severe. I know you have been to the Boise and Payette National Forests, and you understand what happened there, and what is likely to happen here.

Think of the fires in Idaho and central Washington during the summer and fall of 1994. On the Wenatchee National Forest, and again on the Payette National Forest, the Forest Service expended \$100 million putting out those fires. Ask the Forest Supervisors, whom you have testifying here today, how much vegetative management and salvage they could have accomplished on the eastside of Oregon and Washington if they were unfettered from federal environmental policy and regulations and given \$200 million. I submit the Forest Service and Congress failed to do a competent cost-benefit analysis when you defunded the timber management programs in the late 1980's and early 1990's, and threw good dollar after bad at fire suppression.

If you had untangled the legal morass in 1992 and funded the forests of eastern Oregon with the \$200 million, our forests would be in much better shape, and our communities would be prosperous rather than facing economic ruin. As it now stands, many towns in eastern Oregon face economic ruin and will then suffer the ultimate insult by having to stand by and watch the forests destroyed by catastrophic fires.

Mr. Chairman, our forests are in cardiac arrest. I am not sure companies like mine will survive long enough to see the medical team arrive. Yes, there is a good chance these forests could burn up next summer. But, there is also a chance we will have a couple of years of wet weather and might get a good portion of the dead and dying material out of these forests before it is too late. In the words of Bob Mutch, retired USFS fire specialist, "It is not a question of if the forests are going to burn, it is a question of when!"

I said earlier, I do not care who manages these forests, so long as they are managed. Look at the record of the current Forest Service managers and this Administration; it couldn't be much worse. I sometimes believe they have a strategy to let our forests burn in hopes that we will all have to move to Portland.

IV. Examine This Administration's Actions

In 1992, the Forest Service and the Clinton Administration knew the forests in eastern Oregon had a 20 percent mortality rate. Let me quickly talk you through what they have done to deal with that disaster.

- First, they tried to tell us that most of the insect-infested trees would come back; that all they needed was a good moisture year. We know that didn't happen.
- Then they said, "We have to negotiate with the preservationists to keep from going to court." The result of that was to reduce the amount of timber sales they would offer by 50%.
- Then they said they had to implement the eastside screen to keep from going to court. Those included 300 foot buffers around every stream (live or intermittent), a no cut designation of any tree over 21 inches (Why? Because one research scientist thinks the pileated woodpeckers prefer trees over 21 inches in diameter.), along with several other land use classifications which eliminate the harvest of trees (no matter that the trees were already dead).
- Then they chose to sell only the smallest dead trees, but waited until they had lost nearly all their value before offering the sales to companies like mine.
- Then they signed onto the Memorandum of Understanding, which calls for EPA personnel to approve the timber sale design of each salvage sale.

- Then they fought all efforts by Congress to release sales held up by past court injunctions and they continued to look for excuses not to award timber sales. (They refuse to award sales for which the high bidder has gone out of business. On at least one sale, our company is the second high bidder and we still need the volume.)
- Now they want to complete the equivalent of the President's Forest Plan for the eastside (the eastside ecological assessment), which will result in two or three more years of forest planning and little or no action in the forest. With the rumor floating around that Regional Forester John Lowe will retire early next year, and that the Agency is considering replacing John with Tom Tuchmann, the Director of the President's Office of Forest Restoration and Economic Development, I see little hope that the Forest Service will sell any timber on the eastside.
- Congress told them to implement an emergency salvage plan in July, and on some forests, they still do not have functioning emergency salvage teams. (The Deschutes National Forest waited until a week or two ago to even name their emergency salvage team leader.)

Our company has worked with, and on, these forests for many years. It did not use to be like this. In the past, emergencies were dealt with and action was taken. Plans were developed and implemented on the run. The results were almost always good. Some mistakes were made, but the agency was accountable and got on the ground management done.

V. If the Laws Haven't Changed, What Has?

Many times I hear my friends in the Forest Service say that "they would love to address the forest health problems and sell green timber, but they can't "because Congress passed all these laws".

Look at the laws which they believe stymie them. Each one was passed before 1977. Throughout the early and mid 1980's, the rank and file of the Forest Service reacted to forest insect problems and burns with salvage sales. None of the laws have changed. What has changed are the regulations, the leadership, and the desire to maintain forest health and sell timber. If you don't have the desire to do the job, it will never get done.

When I was a kid, like most kids, I used to tell my dad I wished this could happen or I wished that would happen. He used to tell me that if I wished in one hand and spit in the other, he knew which hand would fill up first. Well, the Forest Service is hoping its new MOA "dream team" process will get some wood salvaged. Each year, they point to the need for more planning and cooperation (wishing); and at the end of the year, when they fail to meet the meager targets you've set for them, they will point to the "laws" as the reason they fell short. Well, my employees and my company can't live on wishes anymore.

VL No Salvage - Means No Companies - Means No Jobs - Means No Rural Towns

I know you've seen the data on the number of mills which have shutdown in Oregon. Some of you might wonder why. Well, I would like you to look at two graphs which I think clearly show what's happened (see next page). This is State Department of Revenue data on timber harvests in Oregon from the 1940's on. In 1994, in all of Oregon, we harvested less than 4.3 billion board feet of logs. Think of that. We used to harvest 7 to 8 billion board feet annually on a consistent basis.

Look at the federal suppliers on that graph. Now look at what has happened in eastern Oregon (see eastern Oregon graph). On the eastside of the Cascades, the Forest Service was the program. Then the eastside screens came, and now the Forest Service does not sell sawtimber.

It is ironic that a company like mine, which has survived two World Wars, the Great Depression, and countless downturns in the lumber market, is likely to go out of business at the same time there is an ocean of dead timber rotting in our national forests less than 10 miles away.

Last week, Boise Cascade Corporation shutdown four mills. One was in La Grande and a couple more over in Idaho. The La Grande mill ran three shifts for the last several years. Several months ago, Snow Mountain Pine liquidated their mill in Hines. There have been other mills on the Eastside which have also gone out of business. Companies which have been in their communities for years and years, like Modoc Lumber in Klamath Falls. That mill had been in that family for four generations, shutdown last spring. Why? Because the federal government is not a reliable producer of timber. Each of these mills would be running today if the Clinton Administration and the Forest Service had reacted to the insect epidemics and begun salvage in 1992, rather than sitting in their offices wishing, planning, and pandering to environmental zealots.

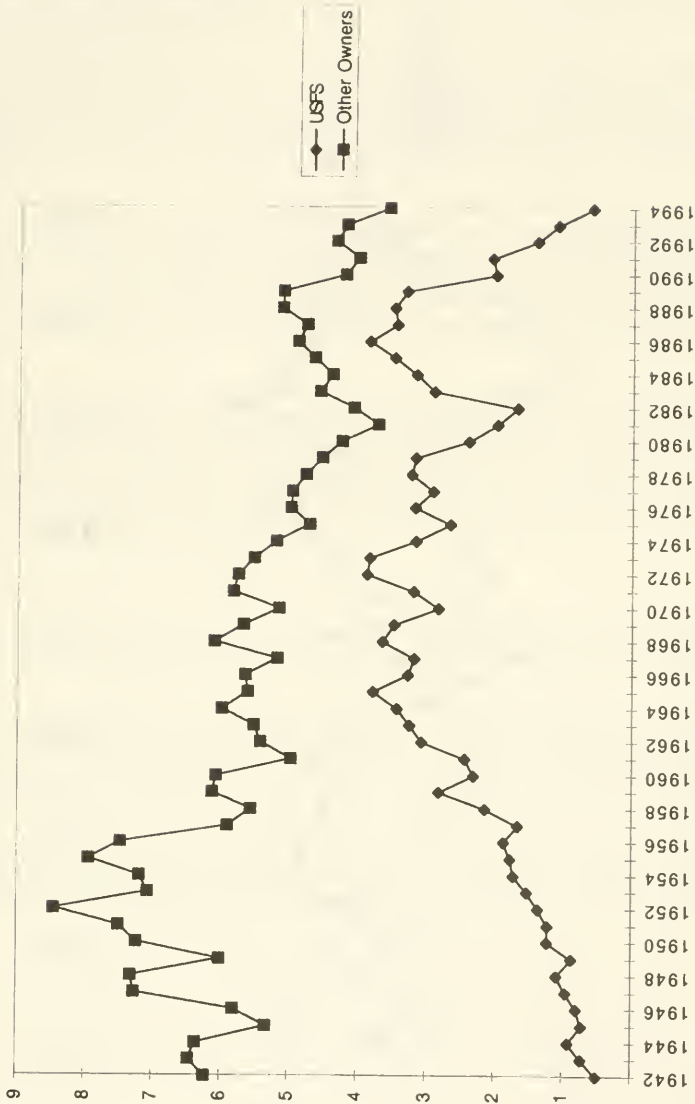
In most of the towns where these mills have shutdown, the sawmill was the major employer in town. When mills shutdown, the people who worked in them have to move. When the people move, the economic and social fabric of the community is destroyed.

I believe there must be more which can be done to address our forest health problems. If most Americans really understood that their assets were being managed this way, they would have an apoplexy. Every time some liberal member of Congress gets up and complains about forest management or "logging without laws", you folks on the Natural Resource Committee should drag them out to our forests. Show them the dead and dying mountainsides. Ask them if they would move to Hines, or La Grande, or any of the other small towns being destroyed by the Clinton Administration's wrongheaded forest policies.

It is unacceptable to me that Congress allows the Forest Service to invest millions of dollars in acquisition of more lands, when they are not managing the lands already entrusted to them.

Timber Volume Sold by Ownership for State of Oregon

Bbf



*Source Oregon Dept. of Revenue. Compiled by Timber Data Co. 10/95.

Timber Volume Sold by Ownership in Eastern Oregon

Bbf

2

2

1

1

USFS
Other Owners

1953 1958 1963 1968 1973 1978 1983 1988 1993

Source OR Dept of Revenue. Compiled by Timber Data Co. 10/95.

Why spend money on international forestry or research when they are neglecting the asset they have been entrusted to manage?

The House of Representatives made a very good, strong start this past year with the passage of the Emergency Salvage Amendment. You continued the good work with the House version of the Interior Appropriations Bill. Sadly, you acquiesced to Senate funding levels and language related to land acquisition and other important amendments. That was a step backward and sent companies like mine the message that the time to hang it up might just have arrived.

As I testify here today, my company is struggling to decide how to survive the next year. I would hate to think that Congress would reward the Forest Service and the rest of the "dream team" agencies with operating budgets while the forests of eastern Oregon rot on the stump. I would hate to think my employees, and all the other millworkers of eastern Oregon, will lose their jobs, their homes, and their dreams while the Forest Service employees continue to prosper.

You may not find a solution to this problem. You may decide, in the end, that the current Forest Service managers are the best people to manage these lands. But if you do, I hope to God you get rid of the Regional office and the Forest Supervisor offices. If you decide that we will let these lands lay fallow to be burned and devastated by "natural" events, please, for the sake of my company and for the sake of our employees, at least make sure the custodians are paid commensurate to the complexity of the job. It shouldn't cost much to hire people to sit and watch the forests rot and burn.

VII. Conclusion

The forests of eastern Oregon are a mess. The current Forest Service managers have failed to keep the public trust in eastern Oregon and should not be allowed to continue managing these lands.

This committee, and this Congress, should turn these lands over to someone else so that we can ensure the forests' health is improved. There still may be enough time left to accomplish that goal before all the sawmills in eastern Oregon shutdown. Once the mills shutdown, the ability to manage the forest is lost.

I know this topic is as frustrating to you as it is to me. I appreciate your willingness to come to Oregon to listen. I trust you will communicate our frustration and find solutions. I trust you will do something to save our forests and save our way of life.

November 4, 1995

U.S. House of Representatives
Committee on Resources
Salvage and Forest Health, Task Force

My name is Travis Huntley and I would like to thank the Task Force on Salvage and Forest Health, and in particular Congressman Wes Cooley for inviting me to this Hearing to give testimony.

I am now employed by Medite Corporation and was hired to replace their current timber manager who will be retiring this coming year. Medite Corporation has 349 employees in the Rogue Valley and the success or failure of the salvage legislation is of grave concern to our company and our employees.

Until recently I was employed by and a partner in Snow Mountain Pine Ltd. in Hines, Oregon. Our mill was purchased by 36 individual investors in 1989. We operated our mill successfully until February of this year when our mill was forced to close permanently. Our closure put 178 well educated and highly motivated employees and their family's on unemployment or welfare. If you live in Harney County where Hines is you know you can't stay there and find another job that pays an equivalent wage. Harney County is the most sparsely populated county in Oregon; there just aren't any other jobs to go to. What are your options in today's anti-business climate? You either move to another job in your field if you can find one or you get retrained to do something else. Either way you move and disrupt your life and your family's life.

The many mill closures that have happened in the last five years is truly an American tragedy. Eastern Oregon is literally a sea of dead and dying timber and at the same time the list of mills that have closed is long growing. What really upset our employees and the people in Harney County was that the Forest Service flatly refused to sell any salvage timber. They knew the consequences of refusing but they just were not inclined to do so. Our situation was similar to a family sitting down at a Thanksgiving table chucked full of food and being told that we would starve but the food must be left

to rot. It seems to me that too many irresponsible decisions, such as those made by the Forest Service that ran our mill out of logs, are being made today by mid level bureaucrats who have no stake in our communities well being. I even had one forest supervisor deny that there was a health problem on his forest. At a public meeting he told us to show him where any mortality problems were on a map and they would be taken care of. We showed him and nothing happened, of course! Although he was promoted to a position back East, my guess is that it was his reward for doing nothing.

Why did we purchase Snow Mountain Pine back in 1989? For various reasons the mill was for sale. The location was a good one with no mills to the south to contend with. The Forest Service had consistently sold a fairly regular supply of green timber sales and their forest plans which had been worked on for 10-15 years were in the final stages of completion. The Forest Service said they would sell a fairly constant annual amount of logs from the two districts adjacent to our mill. Our partners and the banks felt like the purchase was a good one. Well, you don't need to ask any of us if under the same circumstances we would do it again. I personally lost a lifetime of savings. I often wonder what bureaucrats and government employees think it is that made our country and our society great. Simply put, it's capitalism, without capitalism and a good work ethic we would be no better off than the Eastern European countries that are struggling to survive socialism.

History does not need to repeat itself with more mill closures and more family's being disrupted and torn apart for lack of timber and jobs. If the Federal agencies responsible for managing our public lands would just take the position to manage our lands, to thin millions of acres of overstocked stands and to salvage dead and dying timber before it burns up. But the agencies haven't learned. I have yet to see any additional salvage sales prepared or sold as a result of the rescission bill. In fact, in the last two months in our operating area around Medford, nine regularly scheduled Forest Service and BLM sales have gone to auction without any bids on them. You have to ask

yourself, why would these agencies try to sell sales that have a negative value to the wood products industry? Because now they can tell you they tried to sell some timber sales but nobody bid on them. There is absolutely no accountability within the Forest Service and very little within the BLM. If a district is budgeted to sell 20, 30, or 40 MMBF and nothing sells, no one is held accountable. This lack of accountability has to stop. Certain feet need to be held to the fire.

I would like to leave this task force with one last observation. The conditions here in Southern Oregon are exactly like the conditions that existed on the East Side one decade ago. Our stands are badly overstocked and insect activity is appearing in concentrations everywhere. But the agencies don't appear to be excited. I think they are just not inclined to do anything about it. I would also like to bring to your attention the fact that in just the last six years Medite Corporation has been forced to close three wood processing facilities in the Rogue Valley. This cost our community 749 jobs with an annual payroll of over 16 million dollars. You need to see to it that this intolerable situation is brought to an end.

TESTIMONY
for
Task Force on Salvage Timber and Forest Health
Committee on Resources
U. S. House of Representatives
Medford, Oregon
November 4, 1995

Ted Young
Corporate Administrative Forester
Crown Pacific Limited Partnership
Bend, Oregon

FOREST MANAGEMENT TO MAINTAIN FOREST HEALTH

The conventional wisdom is that the deteriorated condition of our Federal timberlands is the result of one hundred years of exclusion of the natural processes of fire in the forest, plus sustained and repeated removal of only "large, high value" trees.

The question then arises why tens of thousands of acres of private timberland - from which fire has been similarly excluded, and from which the "large, high value" timber was removed earlier, and at a much more rapid rate--are not in a similar state of deteriorated forest health. Many areas can be displayed, adjoining and intermingled with National Forest lands, where the private timber is thriftier, healthier and more resistant to destructive pathogens.

I submit that the only explanation for this difference is the type, and intensity, of forest management that has been applied.

During the past twenty to thirty years, several trends converged to offer an appropriate management opportunity.

- ♦ The timber stands established in place of the over-mature, decadent forest that was removed by the early immigrants began to reach merchantable size in stands that had many surplus trees.
- ♦ Westside - and worldwide - demand for fiber, for pulp and composite (pressed) board products increased significantly.
- ♦ Technology to replace large, solid wood members with assembled smaller pieces - end gluing, edge gluing, veneering, etc. - developed explosively.

The Northwest timber industry, responding to these changes, invested millions of dollars in improved, mechanized, more efficient harvesting equipment and updated conversion facilities.

The stimulation and accumulation of this new set of forest industry conditions coincided with the beginning of the end of Forest Service resource management. National Forest resources (people and funds) were diverted to responding to appeals, defending lawsuits and endless planning, studying and analyzing as directed by repeated legislative and judicial demands. The only sustained response to ecological deterioration on Federal land was the attempted salvage of extensive Lodgepole pine mortality caused by an epidemic of mountain pine beetle.

The continuing demand for raw material of a gradually changing end use mix, being processed by equipment designed for a new forest management emphasis, created an ever increasing opportunity for private stand management, which forest owners seized. The adjoining non-managed Federal forests continued to stagnate further, lose vigor and succumb to insect attack and mortality due to over crowding.

The forest health crisis on the National Forests cannot be simply blamed on the exclusion of fire. The problem is absence of management. No fire regimes could have been applied over the past twenty years that would have created the properly spaced, vigorous, thrifty forests developed on the Bend/Fort Rock Ranger District of the Deschutes National Forest by what the Forest termed its "black bark" program.

This activity, practically identical in prescription to most of the younger stand management being done by private owners, consists of mechanically removing the surplus trees from over-dense stands, recovering whatever portions have economic value at the time and under the conditions of the operation and disposing of the surplus debris by crushing, chipping, burning, etc. The result is an uneven aged, well spaced stand of thrifty, growing timber that is resistant to all but the severest attacks by most of the insects and diseases that are devastating Central and Eastern Oregon forests.

Having proved the effectiveness of this approach, the emphasis on "returning fire" to the forest as a preferred management tool puzzles many timber managers. With the variety of specialized equipment that has been developed -- and an ever increasing demand for usable fiber -- the less risky options for controlling stand density and species composition are myriad.

Mechanical devices select specific stems to be removed from defined areas. Choices are not left to chance, the accidental arrangement of randomly grown fuels or changing winds. The fiber removed is utilized to the extent of its economic value to society. With this option available to achieve the same end result, why has "returning fire to the ecosystem" become so currently popular? I know of no private owner that is using fire to control spacing.

One cannot watch an escaped prescribed fire or, even, a fire that remained within bounds consuming non-target trees without questioning. It's use on private land is to reduce fire hazard, reduce some undesirable vegetation or improve forage or game habitat in very limited and rigidly controlled applications.

The success of the "black bark" program was encouraging to resource professionals within and outside the Federal service. Here, it appeared, was an opportunity to forestall much of the distress about to be visited upon our forests by a combination of crowding, drought and insects. The relatively limited extent to which it was applied is disappointing to us all. Had this project - embarked upon ten or twelve years ago - been widely pursued aggressively since that time, I do not believe we would be here discussing a forest health crisis, today.

One of the real concerns that failure to carry out such a stand conditioning program has caused the owners of neighboring timber, is the risk the untreated, deteriorating forests pose to the adjacent well tended tracts. The likelihood of fire, particularly uncontrollable fire, in the overdense, dead and dying thickets is many times greater than in our nearby managed stands. Such surviving live trees as remain in the unmanaged tracts are, generally, weakened by overcrowding and competition to the point of being susceptible to insect infestation. Either fire, or insect epidemics, may become severe enough in such neglected forests to threaten to spread and destroy the value that has been created by investment in management of the adjoining stands.

We realize that legislation as is being discussed here today cannot be so specific, but we would hope that, as a result of discussions such as this, Federal land managers will be encouraged to emphasize protection of adjoining private property as they prioritize their land management programs to address Eastern Oregon's forest health emergency.

I believe the lengthy national debate over Federal timber "harvests" and "timber sales" is mis-directed. Our discussion should be about the most effective resource management techniques to return our National Forests to health and productivity.

The fact that much of this effort can be accomplished by recovering useful fiber, and a large part of the cost can be avoided because that fiber has a positive conversion value just happen to be fortunate conditions that will enable the task of forest restoration to be done more rapidly and at less net expenditure by the owners (citizens).

WRITTEN TESTIMONY OF RUSSELL MCKINLEY
PRESENTED TO
THE CONGRESSIONAL TASK FORCE ON TIMBER SALVAGE AND FOREST
HEALTH
OF THE HOUSE RESOURCES COMMITTEE
NOVEMBER 4, 1995
MEDFORD, OREGON

Good Afternoon. My name is Russ McKinley and I am the Western Oregon Timberlands Manager for Boise Cascade Corporation. I appreciate the opportunity to testify before you today and would like to thank the Task Force for its careful supervision of the implementation of the Emergency Timber Salvage Amendment.

Boise Cascade's southern Oregon operations employ more than 1,100 people and is one of the Rogue Valley's largest employers. We source raw material for four manufacturing facilities; our fifth is a laminated veneer lumber plant, which produces value added products such as I-joists and beams.

Though Boise Cascade owns a significant amount of private timberland, the majority of the wood we process is purchased from other landowners. Prior to 1990, about half of our timber supply was purchased from the federal government.

One of the last major salvage efforts in southern Oregon took place following the Silver Fire of 1987 in the Siskiyou National Forest. The Silver Fire burned about 95,000 acres, of which more than half burned in the Kalmiopsis Wilderness Area where no timber was salvaged. The Forest Service's Silver Fire Recovery Project was implemented expeditiously before significant deterioration occurred -- 157 million board feet, of the 262 million board feet killed by the fire, was salvaged.

In the Final Environmental Impact Statement, the Forest Service concluded that the alternative selected, one of the higher timber alternatives, would pose moderate risks to soils, future site productivity, water, fisheries and wildlife habitat. The effects of timber harvest have been monitored since then and the results of this monitoring have been compiled by the EPA and the Siskiyou National Forest. Though I was unable to obtain a copy of this draft report, the executive of Southern Oregon Timber Industries Association spoke with a number of Forest Service personnel about the report's conclusions. The document concludes that the environmental effects of the Silver Fire harvest didn't approach the "moderate risk" assessments expected in the EIS, and in most cases, the effects of timber harvesting were dramatically below the impacts anticipated. The report reveals that the fire and the associated salvage and rehabilitation efforts had positive effects in several instances.

According to a 1990 Wildlife and Recovery Monitoring report on the Silver Fire, sampling indicated that all streams in the Recovery area were in excellent to good condition; both major drainages where the fire burned were healthy; management activities did not have detrimental effects on fish habitat and populations; there were significantly higher numbers of wildlife reserve trees per acre than had been prescribed in the EIS; ground disturbance was minimized from cable logging and the effective stream shade canopy was maintained; and no long term or irreversible damage occurred due to cable logging operations. These are just a handful of the early monitoring efforts on the Silver Fire Recovery Project.

The point of this history is that the federal land management agencies have the ability to implement salvage efforts expeditiously and efficiently, and do so in a manner that does not produce significant environmental effects. This is not conjecture or a reading of tea leaves, it is fact, and the data exist to support such a statement.

What's interesting is to contrast the Silver Fire and the salvage efforts we see today. Though some salvage has been offered for sale in a timely manner, much of it has not, and the salvage being offered is a minute percentage of the mortality problem in southern Oregon. While staggering amounts of wood fiber are growing and dying in our forests, federal land management agencies are unable to plan salvage sales due to administrative set-asides such as Key Watersheds, Late Successional Reserves and Riparian Reserves. These overstocked stands on the federal forestlands continue to grow. Nearly a decade of drought conditions has caused mortality to accelerate exponentially in southern Oregon's dry, dense forests.

Even in areas available for timber production, salvage plans require extensive analysis and are slow in being implemented. Salvage sales offered by the agencies in the last few months have been extremely conservative in the amount of timber marked to remove, and in several cases, the sales have been so conservative they were not economical and drew no bidders. Though the agencies are responsible for offering salvage sales, we believe the ultimate responsibility lies with the Administration for whom the federal land management agencies work. It appears the agencies are not being given clear direction about salvage implementation, or the freedom to make reasonable, site specific decisions. Fear of lawsuits results in many good projects being abandoned.

Logging costs of salvage and green sales are a major concern to the forest products industry. The agencies are often automatically deferring to helicopter logging, without considering the appropriateness or necessity for this system. Helicopter logging has been proposed on flat ground that could be mechanically logged with minimal impacts. It has also been proposed in areas with extensive roading. It appears helicopter logging is selected because fewer questions and issues need to be analyzed.

Helicopter logging makes a lot of sense in inaccessible and sensitive areas as well as salvage, provided a realistic amount of timber has been marked for removal. Increasingly, we are seeing sales such as the Hull Mtn. Fire Salvage in which many of the trees marked for removal were small and scattered, the contract required helicopter logging, and the flight distance between the unit and the landing was nearly three miles. What made this sale particularly frustrating was that the helicopters had to fly over existing roads which Boise Cascade had used the previous Fall to salvage log our private land. The sale received no bids on the first offering, but after BLM reduced the appraisal and Boise Cascade negotiated helicopter landings with private landowners closer to the units, the company purchased the sale the second time it was offered. We appreciate the wood, but had other logging systems been used, the counties would

have received more revenue for government and services, and the environmental trade-offs would have been negligible.

So far, land management agencies have not been able to clearly distinguish the environmental trade-offs of conventional logging versus helicopter logging systems. And though there is a huge amount of work available for helicopter companies, they are equally as frustrated because much of it is not viable — operationally or economically. It is obvious that agency personnel do not understand sale design that is practical and economical for helicopter systems. Reductions in personnel exacerbated by early retirements have left the agencies with considerably less knowledge and experience in many disciplines, logging systems being just one.

There are many things I could share with you today, but I'll summarize what I believe is the essence of why the implementation of an expeditious timber salvage program is so important.

As a result of putting out fires for decades, there are more trees per acre growing on the landscape than ever before — the federal forestlands are literally choked with wood fiber. These forests are growing and dying. Overly dense forests with extensive mortality do not provide high quality wildlife habitat. Overly dense forests with extensive mortality pose huge risks for additional losses to drought, disease, insects and catastrophic fire.

We have the knowledge and technology to implement a salvage program without significant environmental effects, and a program that is economically viable. There is a broad base of logging contractors with the skills to implement an ecologically responsible salvage program.

The industry has the ability to process a whole range of diameters, species and qualities of material. Log values are such that many economical options exist. Our logging contractors can and will do whatever the agency personnel specify. They want to contribute, but often they are either not contacted or their input is not used in project planning.

The federal land managers have an incredible path filled with legal landmines as a result of vague environmental laws. It's no wonder the environmental special interests do not want the laws changed — they can stop any project they do not like. The Emergency Timber Salvage Amendment provides a critical stop gap, until environmental laws are clarified and made to reflect the need for healthy forests, viable wildlife populations, jobs, and a strong economy.

However in the meantime, the trees keep growing, lightning strikes and human-caused ignition continue to occur and unless we have an unusually cool, wet summer like we experienced this past summer, catastrophic fires will happen. We know why the federal lands are overstocked, we have sound options for addressing these problems,

but without explicit direction from the Administration to implement this law, the agencies will continue to struggle with its implementation.

The greatest risk of all to our forests is to take no risk. Stands in southern Oregon's federal forests need to be thinned to stocking levels that existed prior to 1900. Many of these stands are far beyond the range of natural conditions. The Applegate Adaptive Management Area Ecosystem Health Assessment clearly shows the need to thin these stands, and yet most of this area is heavily constrained under the Clinton Forest Plan.

According to the Ecosystem Health Assessment:

"Fire suppression was instigated around 1902. This has resulted in very dense riparian and upland vegetation in unharvested areas. Stand basal areas are two to five times greater than would be expected to maintain healthy stands of trees.

The AMA has high insect populations, with at least nine species of bark beetles and woodborers present, resulting in significant tree mortality. White pine blister rust, dwarf mistletoes, and root diseases are significantly affecting the health of forests.

Density management will be necessary to achieve forest health in many areas, including some riparian and late successional reserves."

Maps from the assessment indicate that more than 70 percent of the 500,000-acre Applegate Watershed, which is typical of much of southern Oregon, is in the high fire hazard and risk category.

It is time to act.

Thank you for passing this critical piece of timber supply legislation and ensuring its success. On behalf of my family, our employees, and all of the contractors and vendors with whom Boise Cascade does business, thank you for your tenacity and hard work.



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**Testimony of James C. Geisinger
President of the Northwest Forestry Association
Before the House Forest Resource Committee's
Timber Salvage Task Force**

November 4, 1995

Medford, Oregon

*Representing:

Aerial Forest Management Foundation • Alaska Forest Association • Associated Oregon Loggers • Douglas Timber Operators
Independent Forest Products Association • Northwest Forestry Association • Oregon Forest Industries Council
Southern Oregon Timber Industries Association • Washington Citizens for World Trade • Washington Contract Loggers Association
Washington Forest Protection Association • Western Wood Products Association

Introduction

Mr. Chairman, my name is James C. Geisinger. I am the President of the Northwest Forestry Association (NFA) and a member of the Board of Directors of the Northwest Forest Resource Council (NFRCC). NFA is an industry trade association comprised of approximately 85 manufacturers of forest products and owners of forest land in Oregon and Washington. The interest that all our members share is in the prudent management of the region's forest resource. Our members depend directly on the Pacific Northwest's forests for a supply of fiber to run their lumber, plywood and pulp and paper manufacturing facilities. We represent a broad cross section of the industry ranging from small family owned mills to larger publicly held and integrated forest product concerns. NFA is one of a dozen associations with similar goals that comprise a coalition known as the Northwest Forest Resource Council. I wish to submit my testimony today on behalf of NFRCC.

Implementation Of The Amendment

My role on this panel is to describe the blatant attempts of the Clinton Administration to undermine and circumvent the intent of Section 2001 of the 1995 Rescissions Bill, the Emergency Salvage Timber Sale Program, and to comment on the numerous legal and procedural obstacles to seriously addressing forest health concerns that made this amendment necessary.

Congressional Intent

President Clinton signed the Rescissions Bill on July 27, 1995 that included the Emergency Salvage Timber Sale Program amendment. The bill itself, accompanying report language, and the legislative history of this provision clearly documents the intent of Congress to recognize a serious forest health crisis and to authorize land management agencies to take extraordinary actions to address the crisis with an aggressive program of salvaging dead and dying timber. Included in the provision is authority to streamline and expedite the procedural requirements of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Federal Lands Policy and Management Act (FLPMA) and the Endangered Species Act (ESA). History has proven that these laws are not functioning in concert as Congress intended. Given the intricate, almost impenetrable, web of legal and procedural rules and regulations imposed collectively by these statutes, it has become very apparent that comprehensive compliance with the letter of the law as interpreted by our court system is all but impossible for federal land management agencies. Clearly, the intent of the Emergency Salvage Timber Sale Program was to provide flexibility and relief from many of the onerous, time consuming and conflicting requirements of these laws. The intent was for land management agencies to address an unprecedented forest health crisis with an unprecedented aggressive salvage program. This intent has been completely ignored by the Clinton Administration.

Memorandum Of Agreement

On August 10, 1995 the Clinton Administration produced a Memorandum Of Agreement (MOA) between the Secretaries of Agriculture, Interior and Commerce and the Administrator of the

Environmental Protection Agency establishing procedures for implementing the salvage amendment. While the MOA has been characterized as codifying the status quo and a "business as usual" attitude, it is in reality a much farther reaching document. A careful reading of the memorandum exposes the imposition of new procedures, additional requirements, and more bureaucratic process. For example, it requires interagency participation and coordination from the very beginning of timber sale planning, including timber sale layout! While one could certainly argue about what expertise the Environmental Protection Agency brings to timber sale planning in the field, the larger issue is the time requirements necessary to comply with the letter of the MOA and the higher probability of bureaucratic gridlock caused by the involvement of a half dozen agencies to do the work that used to be done by one. The intent of the salvage amendment was to expedite such procedures, not lengthen them and add to the complexity of implementing a project at the ground level.

Clearly, the "business as usual" attitude and absence of any recognition of Congress' expectations inherent in the MOA has been effectively communicated to the field. The Clinton Administration has instructed the national forests to continue to prepare salvage sales at a snail's pace as if Congress had never considered the Emergency Salvage Timber Sale Program. In fact, I know of one eastside forest that took until October 20, almost three months after the President signed the bill, to even appoint a team leader to address the timber salvage program. If this emergency provision is to deliver on the expectations of Congress, it will clearly require the constant oversight of this task force, if not the re-legislation of the provision. Left on its own, this Administration appears content to ignore the law.

Legal Sufficiency Language

The legal sufficiency provision included in the amendment has been the subject of intense criticism from the environmental community. They have coined the accusation of "logging without laws." Well the last time I checked, Section 2001 of the 1995 Rescissions Bill was a law! Congress' job is to make new laws and change ones that don't work. That is exactly what it did with the Emergency Salvage Timber Sale Program amendment. Congress has given the land management agencies a new set of rules to play by for an interim period to address an unusual situation. Congress modifies existing laws almost on a daily basis. When a new law modifies an old law, does that make the new law illegal? I don't think so. But this is exactly the way the salvage amendment has been portrayed by some special interest groups. The real effect of the legal sufficiency language is to prevent the obstruction of a desperately needed program to reduce fuel loads, thin overcrowded stands of timber, to fire-proof the forest, and to restore the forests to a condition where naturally occurring management techniques like controlled burning can be used. The net benefit of these activities will be the restoration of healthy forests where insect and disease presence are brought back to endemic, rather than epidemic levels, the protection of a rapidly expanding presence of people in the urban/rural interface, the protection of fish and wildlife habitat and the protection of billions of dollars worth of our forest resources. There is nothing in the bill nor have the agencies done anything in the field to warrant the accusations that this amendment opens the federal forests to "uncontrolled" logging. Timber sale contracts must still be adhered to, agency contract administrators will still inspect sale operations and violations of the contract will result in reprimands to the contract holder. What will be prevented is the use

of lawsuits citing procedural violations of antiquated laws that have been proven not to work in the cohesive and compatible manner Congress envisioned.

Release Of Existing Contracts

The Clinton Administration's most blatant use of subterfuge to undermine the intent of Congress is its attempt to misinterpret Section 2001(k) of the Rescissions Bill. The statute clearly states that all timber sales that had been offered for sale as of the date of enactment of the legislation within the geographical boundaries subject to Section 318 of the FY1990 Appropriations Bill are to be awarded and released to be operated. Section 318 of the FY1990 Appropriations Bill applied to federal forest lands in Oregon and Washington. The only sales that are to be exempt from this provision are those where a threatened bird species is known to be nesting. Not only did the actual bill language make this provision perfectly clear, the accompanying report language expanded the explanation in such a manner that nobody could be confused, except the Clinton Administration.

Shortly after the President signed the Rescissions Bill, the Administration issued direction to the field authorizing the release of only sales that were sold in FY1990 under Section 318 on forests inhabited by the spotted owl. Further, it ordered that any sale that the U.S. Fish and Wildlife Service had determined to be "occupied" by a threatened species be excluded from the release provision. This direction flew directly in the face of Congressional intent. First, it incorrectly limited the release of sales only to those sold in 1990 on spotted owl forests rather than "all offered sales" as of the date of enactment of the law throughout Oregon and Washington. Second, it attempted to impose a standard for determining the presence of a threatened species that had been expressly rejected by Congress during the negotiations over this question. In U.S. Fish and Wildlife Service protocol, "occupancy" is determined based on nothing more than a visual, or even an audible, sighting of the species. The record is perfectly clear, Congress intended that a determination be made that a species was "known to be nesting" in the sale. The net effect of the Administration's subterfuge would have been to reduce the volume of sales to be released from something in excess of 600 million board feet to less than 100 million feet. However, the industry has taken it to court to get a proper interpretation of the law.

To date, a Federal District Court Judge and the Ninth Circuit Court of Appeals have agreed that the sales to be released include all sales offered as of the date of enactment throughout Oregon and Washington. A hearing on the issue of "known to be nesting" as opposed to "occupancy" is scheduled for November 7 in Federal District Court. It is unfortunate that these legal maneuvers became necessary when the provisions in the bill couldn't have been written clearer. While we wait for the courts to explain to the Administration what Congress meant, mills continue to close and people continue to lose their jobs. In fact, a number of mills that should have been the beneficiaries of this provision have gone out of business while they waited for the sales to be released.

In the face of widespread criticism of Section 2001(k), it is important to put the volumes at stake into proper perspective. While some have characterized the provision as an attack on old growth forests and a return to the old ways of doing business, the fact is these sales collectively represent

a fraction of what the Administration has promised and is just a sliver compared to what these lands used to and can still produce. Yet, the sales are essential to individual companies and the people that depend on them. Section 2001(k) should release something in excess of 600 million board feet of timber that has been sold over the past four years. These sales were sold from federal forests that used to produce five billion board feet each and every year. To say they will cause irreparable environmental damage is without cause. The accusation has been made that the marbled murrelet will suffer as a result of harvesting this timber, yet these sales represent 6,300 acres of the 2.4 million acres of habitat in the northwest. This is just one fifth of one percent of the bird's habitat in the three northwest states. Last, the Clinton Administration promised the Northwest some two billion board feet of timber during the first year of the President's Forest Plan and one billion feet per year thereafter. It hasn't delivered on its promise. In fact, less than 25 percent of the promised volume has been sold and most of it has been thinnings of sub-merchantable timber and firewood. The sales released by Section 2001(k) represents the only real sawlog timber sales available from federal lands in the recent past and the immediate future. These sales are desperately needed.

Conclusion

In summary, history will show that passing this much needed and historic legislation was the easy part of beginning the restoration of Northwest forests. The much harder part, clearly, will be to get the Clinton Administration to accept the fact that Congress has passed a new law and get on with implementing it. We appreciate the tenacity of this Task Force in providing oversight of the implementation of the salvage amendment. We hope that our testimony, today, will be useful helping to correct the problems associated with implementation and to get fiber moving and forest health restored.

STATEMENT OF
JOHN E. LOWE, REGIONAL FORESTER
PACIFIC NORTHWEST REGION, FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Committee on Resources
United States House of Representatives

Concerning Agency Performance in
Processing Timber Salvage Using Section 2001 of Public Law 104-19
Emergency Appropriations and Funding Rescissions Act

Medford, Oregon
November 4, 1995

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to discuss how the Forest Service, in cooperation with other agencies, is implementing the timber-related activities authorized in Public Law 104-19. I am accompanied by Charles Graham, Supervisor of the Fremont National Forest; Richard Grace, Acting Forest Supervisor of the Malheur National Forest; James Furnish, Supervisor of the Siuslaw National Forest; Darrel L. Kenops, Supervisor of the Willamette National Forest; Robert Castaneda, Supervisor of the Winema National Forest; and Robert Richmond, Supervisor of the Wallowa-Whitman National Forest. The President has directed the Departments of Agriculture, Commerce, and the Interior, and the Environmental Protection Agency (EPA) to implement this law in a way that, to the maximum extent allowed, follows our current environmental laws and programs. The directive from the President regarding the implementation of the timber-related provisions to Public Law

104-19 has been submitted to the record in previous hearings before this Committee.

Results from Initial Implementation of PL 104-19

Due to our efforts to implement the salvage provisions of the Rescission Act, the Forest Service anticipates exceeding its pre-rescission 1995 programmed level of timber salvage offer by approximately 300 million board feet (MMBF) according to our latest figures. Offering 1.8 billion board feet (BBF), instead of 1.5 BBF in 1995 places the Forest Service on track to meet the Rescission Act goal of 4.5 BBF.

We have seen some reduction, nationally, in demand for timber salvage. In some locations sales offered have received no bids. In such cases, sales are usually reworked to increase their marketability. We want to work with industry, and have asked for its input on ways to make salvage sales more marketable. We hope to continue these discussions at the local and regional levels.

We are also involving the public early in the planning process so that they have an opportunity to provide input and become involved in monitoring our performance. Our goal is to maintain and promote good working relationships with the public and tribal, and state and local government entities.

Background

The Administration was moving aggressively on timber salvage before enactment of Public Law 104-19. In direct response to the concerns emanating from the wildfires of the 1994 season, regions were already pursuing timber salvage as a part of the restoration effort for the areas affected by the fires.

In February of 1995, President Clinton directed Chief Thomas to convene an interagency team to develop, identify, and resolve possible impediments to the timely release of timber salvage sales. Participants included Bureau of Land Management (BLM) Director Mike Dombeck, the Commerce Department's National Marine Fisheries Service (NMFS) Assistant Administrator Rolland Schmitten, and representatives of the US Fish and Wildlife Service (FWS) and EPA. As a result of that meeting, a national level Memorandum of Understanding (MOU) was signed March 8, 1995. This MOU established a streamlined process to complete the consultation requirements of the Endangered Species Act (ESA) within the time frames for salvage and forest health project planning under the National Environmental Policy Act (NEPA) for the Intermountain, Pacific Northwest and Northern Regions of the Forest Service. May 31, 1995, I signed a similar regional level interagency MOU to guide this process on National Forests in the Pacific Northwest. As a result of this MOU, the agencies have been working together in multi-level interagency teams from the beginning of the analysis process. This has reduced the number of timber sales

requiring formal consultations and shortened the time frames for completing such consultations when they have been needed. As a result, there is no backlog of sales in consultation.

Implementing Public Law 104-19

We are moving forward very quickly to implement the salvage timber-related provisions of this Act as directed by the President and Secretary Glickman. As part of this direction, President Clinton directed the Departments of Agriculture, Commerce and the Interior and the EPA to implement this law, to the maximum extent possible, consistent with environmental laws.

The Administration established a system for ensuring that salvage sales comply fully with standards and guidelines, while expediting the offer of the sales. On August 9, 1995 the Forest Service, BLM, FWS, NMFS, and EPA signed a Memorandum of Agreement (MOA), which explicitly outlines the new streamlining procedures, coordination and collaborative efforts that are now being followed to implement PL 104-19.

The MOA is important for a number of reasons. It builds upon on-going efforts to streamline procedures for environmental analysis and interagency consultation which had been underway since signing of interagency agreements on March 8, 1995 and May 31, 1995. The MOA is also consistent with the Rescission Act's

overall goal of streamlining processes and paperwork. Moreover, the agreement reaffirms the joint responsibility of the agencies to do their part in achieving salvage sale volume above the programmed level, in accordance with Public Law 104-19.

We believe that the most important aspect of following standards and guidelines of forest plans, through the MOA, is to avoid a future shutdown of timber harvest, or other activities, similar to that which occurred here in the Pacific Northwest. Though the Rescission Act's intent is to protect the land management agencies from lawsuits related to salvage sales, this protection will expire for salvage activities December 31, 1996.

Now I would like to explain how Region 6 of the Forest Service is implementing Public Law 104-19.

In fiscal year (FY) 1995 our goal was to offer 457 MMBF of salvage timber under PL 104-19. We have offered over 533 MMBF of salvage timber sales, exceeding our goal by 76 MMBF.

Work in Region 6 for fiscal years 1995 and 1996 reflect the high priority I have given to implementing the salvage provisions of PL 104-19. I have ensured that the resources in the Region are in place for those forests that have high occurrence of salvage due to fires.

The salvage timber sales are being prepared in areas that were recently damaged by wildfire or in areas of high fire hazard. In 1993 we conducted the Blue Mountain fire susceptibility mapping effort which helped identify the highest priority for fire hazard work. We have also used our annual aerial detection flight to identify areas of recent mortality. Both these activities have helped us identify priorities for our salvage efforts.

A monitoring system is in place which tracks accomplishments in preparing and selling timber salvage as well as the effects of these sales on environmental quality.

This completes my testimony. I would be happy to answer any questions you may have.

Telephone
Bellmountain
Phone (503) 424-3112
FAX (503) 424-3012

P.O. Box 40

Monroe, Oregon
97456

AMERICA MEANS BUSINESS + BUSINESS MEANS AMERICA



Hull-Oakes lumber co.

manufacturers & distributors • dimensions • timbers — long timbers a specialty

November 4, 1995

Mr. Chairman and Members of the committee: Re: Timber Salvage

My name is Wayne Giesy and I represent Hull-Oakes Lumber Co. of Monroe, Oregon. Mr. Ralph Hull started this business in 1938 when electricity was not available and yet today the Sawmill uses steam power for the Head Rig, Edger and the Carriage. In 1990 Mr. Hull put into effect a program to sell the controlling interest to six of the employees with the provision that he would manage the business until paid for. The Company employs 85 men and women in the sawmill and logging operations. We cut special orders up to 85 feet long and use about 18 million board feet of logs per year.

In the early 1990's the Company purchased 4 timber sales from the Bureau of Land Management. Only due to your passage of the Timber Salvage Amendment has most of this timber been release for harvest. Now comes the sad part.

One sale, Roman Dunn a section 318 sale, the BLM released about one half the volume. Our loggers were blocked from the unit for 2 full days and $\frac{1}{2}$ the third day. The Lane County Sheriff's office declined to clear the road as the situation was political. Douglas County did supply law enforcement personnel which was greatly appreciated. The Bureau of Land Management caused a closure of some 270 acres, however they have not arrested any-

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Monroe, Oregon



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manufacturers & distributors • dimensions • timbers — long timbers a specialty

Page 2, Timber Salvage

one for road blockage or for invading the property.

Now, the Eco-Terrorists took over and have invaded Roman Dunn at leased a dozen times. On one invasion the terrorists sabotaged a D-7E Cat, a Link Belt Loader, a Dynapac Compactor, a Road Grader and a Fire Truck. The Company estimates the damage at \$70,000.00 not including the down time. Attached is the repair bill on one engine. Probably the greatest expense will be the three security guards and the extra insurance on our equipment.

Any sabotage puts lives in risk and we have no way to determine what we might be facing including tree spiking. The safety of our loggers is a major concern.

We are following the law and do not feel we should be punished.

Thank you for this opportunity to express our situation.

HULL-OAKES LUMBER CO.
BLM TIMBER SALES

November 2, 1995

<u>Name</u>	<u>Date of Purchase</u>	<u>Duration</u>	<u>Price</u>	<u>Volume</u>
Roman Dunn No. E-91-114	4/25/91	30 months	\$403.00 M	5,382 released 14,646 MBF 10/95
Park Ridge Basin TS1-301	8/28/91	2 years	\$369.00 M	2,710 MBF
Toke West TS91-304	9/25/91	3 years	\$417.00 M	4,807 MBF
Cherry Tree Plum Salvage TS91-Add 312	9/25/91	1 year	\$374.00 M	1,038 MBF
Total-----				19,204 MBF
				13,937 MBF

Released 10/95



Pacific Detroit Diesel Allison, Co.

REMIT PAYMENTS TO:
5061 N. Lagoon Ave.
Portland, OR 97217
Phone (503) 283-0505

REPAIR ORDER

INVOICE	
NUMBER	DATE
1-95577-0	10/31/95

SPRINGFIELD

534650

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O

HULL OAKES
ROUTE 1 BOX 48
MONROE

OR 97456

PAGE 1

REPAIR DATE 10/18/95
UNIT NUMBER BVA-441336
MODEL NUMBER 7083-7000
MAKE FMC LINK-BELT
EQUIP MODEL 5400
EQUIP SERIAL #
APPLICATION INDUSTRIAL
EQUIPMENT #
LICENSE #
MILES/HOURS
CUSTOMER P/O # 0

COMPLAINT OR WORK REQD.
SERVICE CALL TO REMOVE ENGINE .

CORRECTION -

TRAVELED TO JOB SITE, FOUND ENGINE SIEZED. UNIT HAD BEEN
SABOTAGED. FOUND FINE ABRASIVE COMPOUND UNDER VALVER COVER
AT OIL FIL. REMOVED ENGINE AND TOOK TO SHOP. CHANGED OVER
PARTS TO EXCHANGE ENGINE. RETURNED TO JOB SITE AND
REINSTALLED ENGINE. TEST RAN UNIT, OK.

LABOR

1,420.00

PARTS

PART NUMBER

QTY

DESCRIPTION

23504632	1	SPACER	22.63	22.63
23503769	1	SEAL	3.96	3.96
05137221	1	GSKT	.70	.70
05198563	1	COMPOUND D	24.59	24.59
05117786	1	GASKET	.87	.87
08924869	1	GSKT	1.08	1.08
05103250	8	BOLT	7.96	63.68
05120753	1	PLATE	6.05	6.05
23512418	1	SEAL	1.94	1.94
05123638	1	GASKET	4.53	4.53
05122266	1	GASKET	.39	.39
05117920	1	SHAFT	44.54	44.54
05103544	1	SEAL RING	3.61	3.61
23515145	2	GASKET	1.35	2.70
05123240	1	GASKET	.68	.68
05104701	6	SEAL RING	2.03	12.18

SEE REVERSE SIDE FOR WARRANTY LIMITATIONS

Customer Signature _____

S-1659

TERMS

1-95577-0

NET 10TH

18% interest per annum will be charged to all past due accounts

In the event of litigation to enforce any of the terms or provisions herein, the prevailing party shall be awarded all reasonable costs and attorneys fees.

No material returnable without written permission of the company and all goods must be returned transportation charges prepaid.

All returns may be subject to a restocking and handling charge.

Material returned for credit or exchange must show this invoice number

CONTINUED

21-523 (213)



Pacific Detroit Diesel Allison, Co.
 REMIT PAYMENTS TO:
 5061 N. Lagoon Ave.
 Portland, OR 97217
 Phone (503) 283-0505

REPAIR ORDER

INVOICE	
NUMBER	DATE
1-95577-0 10/31/95	

SPRINGFIELD

PAGE 2

S34650

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O

HULL OAKES

PARTS	PART NUMBER	QTY	DESCRIPTION		
	99 7385	2	BELTS	12.27	24.54
	05 TP915D	1	FUEL FILTER	4.66	4.66
	05 TP916D	1	FUEL FILTER	4.66	4.66
	33 213-6	7	HOSE	2.62	18.34
	33 213-8	4	HOSE	2.95	11.80
	99 X286539	1	AIR COMPRESSOR	350.00	350.00
	32 #48	3	CLAMP	1.50	4.50

MISCELLANEOUS	DESCRIPTION	
PO# 123456	EXCH BV71 S/N BVA-105120 7087-4020 STOCK # 15	9,800.00
PO# 123456	CORE CHARGE FOR EXCHANGE ENGINE	2,500.00
	TOLLS & MILEAGE	105.00
	MISC. HDWRE, CLEANING MATERIALS, LUBRICANTS, SEALER, HAZARDOUS MATERIALS HANDLING, TESTING AND DISPOSAL.	82.90

SEE REVERSE SIDE FOR WARRANTY LIMITATIONS

Customer Signature _____

S-1659

TERMS:

1-95577-0

NET 10TH

10% interest per annum will be charged on all past due accounts.
 In the event of litigation to collect any of the bills or provisions herein, the prevailing party shall be
 awarded all reasonable costs and attorneys fees.
 No material returned without written permission of the company and all goods must be returned
 transportation charges prepaid.
 All returns may be subject to a restocking and handling charge.
 Material returned for credit or exchange must show the invoice number.

TOTAL 13,520.53

THE WHITE HOUSE

OFFICE OF THE PRESS SECRETARY, OCTOBER 28, 1995

STATEMENT BY THE PRESIDENT ON THE NINTH CIRCUIT COURT OF APPEALS DECISION TO FORCE ADDITIONAL SALES OF OLD GROWTH TIMBER

I am deeply disappointed in the court's decision to force the Forest Service and the Bureau of Land Management to release these sales of healthy ancient timber.

My Administration's agreement with the Congress on this issue was significantly different from the interpretation upheld this week by the courts. We agreed that the Administration would not have to violate our standards and guidelines for our Forest Plan and for forest management in general, but only speed up sales that met those standards. We do not believe that this extreme expansion of ancient timber sales was authorized by the 1995 Rescission Act.

My Administration will actively pursue a legislative remedy to correct this extreme result.

At this time, however, there is no choice but to comply with the court's decision. The decision forces the release of timber that may lead to grave environmental injury to chinook salmon and other wildlife, and damage our rivers and streams. This could jeopardize the livelihoods of thousands of people who depend on the Pacific Northwest's vibrant commercial and sport fisheries.

I have directed the Secretaries of Agriculture and the Interior to work with the companies awarded contracts to seek changes to mitigate any harm to salmon and other species and water quality.

In signing the rescission legislation and in subsequent directives to my Cabinet, I pledged to uphold existing environmental laws and standards. I will continue to fight for those laws and standards.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 29, 1995
(House Floor)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

**H.R. 1944 -- MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS
FOR ADDITIONAL DISASTER ASSISTANCE AND MAKING RESCISSIONS
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1995,
AND FOR OTHER PURPOSES**

(Sponsor: Livingston (R), Louisiana)

This Statement of Administration Policy provides the Administration's views on H.R. 1944.

The Administration supports H.R. 1944 as amended by the Livingston amendment, which is made in order under the rule.

H.R. 1944 provides an important balance between deficit reduction and providing funds to meet emergency needs. This legislation provides essential funding for FEMA Disaster Relief, for the Federal response to the bombing in Oklahoma City, for increased anti-terrorism efforts, and for providing debt relief to Jordan in order to contribute to further progress toward a Middle East peace settlement. H.R. 1944 reduces Federal spending by \$9 billion.



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

June 29, 1995

The Hon. Newt Gingrich
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

In response to your request for additional information regarding the capability of the Forest Service to produce salvage timber sales under the authority provided by the 1995 rescissions bill, given current resources, we estimate that an additional 750 million board feet of salvage timber sales, in excess of the anticipated base program of 3.0 billion board feet (bbf) may be offered by December 31, 1996.

If additional personnel resources were provided then it is conceivable that the Forest Service may be able to offer an additional 750 million board feet above this level.

In total, salvage sales offered under this legislation plus salvage sales offered under the base salvage program may, by December, 31, 1996, result in total salvage sales of approximately 4.5 bbf.

These numbers are estimates. Actual sales figures may vary as much as twenty-five percent from the estimates, depending upon resource conditions, markets, and changes in resource capability. In addition, I want to be clear that the Forest Service will not offer timber sales under this authority that violate existing environmental standards or the spirit and intent of any environmental laws.

Although the legislation also applies to the Bureau of Land Management, I defer to them to provide specific estimates of their timber salvage sale capability under this legislation.

Thank you for the opportunity to clarify this information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Glickman", written over the typed name and title.

DAN GLICKMAN
Secretary

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

October 24, 1995

Mr. Steve Holmer
Western Ancient Forest Campaign
1400 16th Street
Suite 294
Washington, D.C. 20036


Dear Mr. Holmer:

While the salvage timber task force appreciates you facilitating environmental witness recommendations for our Lewiston, Idaho and Redding, California field hearings as well as your similar efforts for our Washington, D.C. hearing, I regret that the campaign has declined to continue assisting our task force in fielding witnesses from the environmental community. The great bulk of those recommended by the campaign were accommodated as witnesses.

We may not agree on the merits of the issues involved in salvage logging and forest health, but our task force members did listen carefully to the testimony of all witnesses, including those recommended by the campaign. In fact, the majority of question and answer time was spent with environmental witnesses at one of our hearings in an attempt to understand the data and basis for the conclusions reached in the testimony. At another hearing one of the witnesses that you recommended prefaced his statement thusly: "I want to begin by thanking Chairman Cooley and my own Congressman Wally Herger for the opportunity to testify. I have been openly critical of some of Mr. Herger's statements and positions on forest issues and so I really appreciated that he remains willing to listen."

Our task force seeks to make informed conclusions based on information from various perspectives. Thank you again for your assistance with this in the past.

Sincerely,


Wes Cooley
Chairman



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 2410

Date: APR 25 1995

Honorable Don Young
Chairman, Committee on Resources
U.S. House of Representatives
2331 Rayburn House Office Building
Washington, D.C. 20515-0201

Dear Chairman Young:

Thank you for your April 12, 1995, letter concerning our capability to respond to emergency timber salvage language included in the House rescission package. As noted in your letter, we have compiled field data concerning available salvage timber and our organizational capability to offer salvage sales. This data is still in the process of being refined, and thus the estimates are subject to change. We have enclosed our latest summary of salvage volume estimates by Region and category, along with definitions of the categories.

As now written, the emergency salvage sale amendment would become effective upon passage and be effective for a 2-year period. Assuming that the bill is passed during fiscal year (FY) 1995, it will involve 3 fiscal years. Current estimates from the field indicate that the salvage that could be produced for all of fiscal years 1995-1997 under the amendment would be 5.4 billion board feet (see enclosed table); this reflects the administrative capability of the organization. This estimate assumes that "expedited fire contracting procedures" can be used, that the Federal Workforce Restructuring Act of 1994 will not apply to any buyout employee rehired, and the availability of resource specialists through contracting. It should be noted that the timeframe for this estimate is through the end of FY 1997.

We expect to transmit an effects statement on the salvage amendment soon. Please let us know if we can be of any further assistance.

Sincerely,

Jack Ward Thomas
JACK WARD THOMAS
Chief

Enclosures



Caring for the Land and Serving People

FEA-WN-76W-1471

SALVAGE INFORMATION CATEGORIES

1. Total Merchantable Volume - the estimated total volume of dead and dying timber meeting minimum merchantability standards.

2. Economically Operable Volume - That volume from #1, plus associated green trees, that is economically operable assuming compliance with basic forest land stewardship protection measures (i.e. protection of the productive capability of the site and meeting NFMA regeneration requirements).

3. Economically Operable/Subject to the Substantive Requirements of Applicable Environmental Laws - The estimated volume that would be potentially available assuming that the substantive objectives of all environmental laws are to be met (eg. species are not put at risk), but those provisions of the Salvage Amendment that eliminate procedural requirements are in effect (eg. consultation with F&WL Service, NMFS, SHPOs, and other federal and state agencies).

4. Economically Operable/Meeting All Current Procedures - The volume that is available after applying all current environmental laws and procedures, including existing NEPA and agency consultation requirements.

5. Organizational Capability - This is the administrative capability to prepare and sell salvage volume in FY's '95, '96 and '97. The following categories of capability will be included:

5a) Current Procedures - Assumes current workforce and compliance with all existing public notice and comment provisions of NEPA, NFMA, and other laws (As per Item 4 above).

5b) Expedited Procedures - Assumes removal of requirements for interagency consultation, etc., as provided in Item 3 above, as well as utilizing the administrative efficiencies provided in the Salvage Amendment, such as authorities for emergency contracting and rehiring buyout employees.

SUMMARY OF SALVAGE DATA FROM REGIONS (AS OF 4/17/95)
FOR TAYLOR AMENDMENT TO HOUSE RESCISSION BILL
(ALL VOLUMES IN MILLION BOARD FEET)

	R-1 ROADED	R-2 ROADED	R-3 ROADED	R-4 ROADED	R-5 ROADED	R-6 ROADED	R-8 ROADED	R-9 ROADED	R-10 ROADED	TOTAL ROADED	TOTAL UNROADED*	TOTAL TOTAL
• TOTAL MERCH. VOLUME	4,010	581	262	1,404	3,400	2,596	433	1,377	370	15,013	3,244	18,257
• ECON. OPERABLE VOLUME **	3,227	148	250	1,336	3,000	1,635	244	658	60	10,556	2,129	12,685
• ECON. OPERABLE VOL. w/ TAYLOR AMEND. **	960	148	145	1,009	1,500	1,405	244	314	53	5,787	955	6,742
• ECON. OPERABLE w/ CURRENT REQUIREMENTS **	764	133	75	889	900	1,204	160	314	21	4,460	447	4,907
• ADMINISTRATIVE CAPABILITY												
a. EXISTING RULES												
- FY 95 (by 7/1/95)	64	23	5	136	50	160	30	60	4	536	0	536
- FY 95 (total)	261	43	25	357	350	484	45	87	4	1,656	96	1,752
- FY 96	280	45	25	107	250	340	55	89	11	1,242	204	1,446
- FY 97	223	44	25	104	250	340	60	82	6	1,138	113	1,251
- Total for FY 95-97	764	132	75	572	850	1,204	160	258	21	4,036	415	4,451
b. TAYLOR AMENDMENT												
- FY 95 (by 7/1/95)	27	23	10	136	55	160	30	60	4	551	0	551
- FY 95 (total)	278	43	35	362	430	505	45	87	15	1,800	222	2,022
- FY 96	381	47	50	105	320	450	80	90	19	1,542	176	1,718
- FY 97	310	44	40	119	320	450	78	83	19	1,465	182	1,647
- Total for FY 95-97	969	136	125	586	1,070	1,405	203	260	53	4,807	580	5,387

Unroaded volumes are displayed by Region on page 2; the unroaded totals shown here are from that table.

* Volumes for Items 2-4 are an estimated total for FY 95-97.

IN INVENTORIED BOMBLESS AREAS	R-1	R-2	R-3	R-4	R-5	R-6	R-8	R-9	R-10	TOTAL
	UNLOADED	UNLOADED	UNLOADED	UNLOADED	UNLOADED	UNLOADED	UNLOADED	UNLOADED	UNLOADED	UNLOADED
1. TOTAL MERCH. VOLUME	1,190	20	0	1,035	276	310	343	54	0	3,244
2. ECON. OPERABLE VOLUME *	774	28	0	900	169	157	14	27	0	2,129
3. ECON. OPERABLE VOL. W/ TAYLOR AGREEM. *	72	14	0	656	111	80	14	0	0	955
4. ECON. OPERABLE W/ CURRENT REQUIREMENTS *	49	9	0	309	17	50	5	8	0	447
5. ADMINISTRATIVE CAPABILITY										
a. EXISTING BASES										
- FY 95 (by 7/1/95)	0	0	0	0	0	0	0	0	0	0
- FY 95 (total)	7	0	0	73	0	15	1	0	0	96
- FY 96	11	4	0	165	8	15	2	1	0	206
- FY 97	31	0	0	50	9	20	2	1	0	113
- Total for FY 95-97	49	4	0	288	17	50	5	2	0	415
b. TAYLOR AGREEMENT										
- FY 95 (by 7/1/95)	0	0	0	101	7	15	0	0	0	123
- FY 95 (total)	22	4	0	86	41	20	2	1	0	176
- FY 96	42	0	0	47	25	45	2	1	0	182
- FY 97	72	4	0	344	73	80	5	2	0	580
- Total for FY 95-97										

Volumes for items 2-4 are an estimated total for FY 95-97.

14. INVENTORIED ROADLESS AREAS									
	R-1	R-2	R-3	R-4	R-5	R-6	R-9	R-10	TOTAL
	UNROADED	UNROADED	UNROADED	UNROADED	UNROADED	UNROADED	UNROADED	UNROADED	UNROADED
1. TOTAL MERCH. VOLUME	1,190	28	0	1,035	276	310	363	54	3,244
2. ECON. OPERABLE VOLUME *	774	28	0	940	149	157	14	27	2,129
3. ECON. OPERABLE VOL. W/ TAYLOR AMEND. *	72	14	0	656	111	80	14	0	955
4. ECON. OPERABLE W/ CURRENT REQUIREMENTS *	49	9	0	369	17	50	5	0	447
5. ADMINISTRATIVE CAPABILITY									
a. EXISTING RULES	0	0	0	0	0	0	0	0	0
- FY 95 (total)	7	0	0	73	0	15	1	0	96
- FY 96	11	4	0	165	0	15	2	1	200
- FY 97	31	0	0	50	9	81	2	0	113
- Total for FY 95-97	49	4	0	208	17	50	5	2	415
b. TAYLOR AMENDMENT	0	0	0	0	0	0	0	0	0
- FY 95 (total)	8	0	0	191	7	15	1	0	222
- FY 96	22	4	0	86	41	20	2	1	167
- FY 97	42	0	0	67	23	45	2	1	162
- Total for FY 95-97	72	4	0	344	73	80	5	2	580
6. OTHER INFORMATION									
a. HELICOPTER VOLUME (X)	100	0	0	55	88	80	25	0	355
- FY 95	55	0	0	55	88	80	25	1	355
- FY 96	55	0	0	55	88	80	25	1	355
- FY 97	0	0	0	0	0	0	0	0	0
b. CABLE/LON IMPACT VOLUME (X)	9	0	0	35	10	20	50	0	104
- FY 95	9	0	0	35	10	20	50	1	104
- FY 96	0	0	0	0	0	0	0	0	0
- FY 97	27	0	0	35	10	20	50	1	104
c. NEW ROAD CONSTRUCTION (MILES)	1	0	0	26	0	2	0	0	29
(1) EXISTING RULES	1	0	0	26	0	2	0	0	29
- FY 95	1	7	0	30	2	2	0	1	43
- FY 96	3	0	0	45	2	3	0	1	54
- FY 97	5	7	0	101	4	7	0	2	128
- Total for FY 95-97	9	14	0	176	6	11	0	2	212
(2) TAYLOR AMENDMENT	1	0	0	26	1	2	0	0	30
- FY 95	1	7	0	30	0	3	0	1	51
- FY 96	2	0	0	45	5	7	0	1	62
- FY 97	4	7	0	101	14	12	0	2	143
- Total for FY 95-97	7	14	0	176	19	22	0	4	222
OPTIONAL BREAKDOWN - VOL. INCREASES DUE TO:									
a. Eliminating consultation	0	0	0	0	0	19	0	0	19
b. Site-specific evaluations	5	5	0	0	0	22	32	59	99
c. Other	0	0	0	0	0	0	0	0	0

** Volumes shown for items 2-4 are an estimated total for FY 95-97.

EMERGENCY SALVAGE TIMBER SALE PROVISION

- Every year about 6 billion board feet of timber is damaged through fire or disease on Forest Service land. In 1994 alone, over 4 million acres of public lands burned.
- This timber is economically recoverable for only about two years before it rots.
- The existing salvage program is intended to harvest dead and dying trees while they are still valuable, and improve the long-term health of the forests.
- However, this process is bogged down in a maze of lawsuits, appeals, and environmental compliance reviews involving multiple agencies. The current situation is allowing billions of board feet of timber to rot, while local economies which rely on timber are being devastated by reduced timber harvests resulting from environmental restrictions.

The Salvage Provisions in the Conference Agreement

- Establishes a 2½ year emergency salvage timber sales program on Forest Service and Bureau of Land Management land to reduce the salvage backlog through FY 1997.
- Sets minimum salvage volumes in the report -- Requires a minimum of 8.5 billion board feet of salvage volume be offered during FY 1995-97. This is double the current salvage volume that would be offered.
- Streamlines environmental impact assessment -- Requires preparation of a single document to satisfy the analytical requirements of applicable environmental laws, including an environmental assessment under NEPA and a biological evaluation under Endangered Species Act.
- Streamlines appeals process -- Prohibits administrative appeals, and requires challengers to go directly to US District Court within 15 days of sales advertisement, and requires the court to render a decision within 45 days. Challenged sales are automatically stayed for 45 days.
- Section 318 sales -- Includes authority to conduct the section 318 green timber sales which have been approved by the Courts.
- Option 9 sales -- Allows the Forest Service to move forward with Option 9 forest plan sales free of litigation challenges.



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Reply To: 2435

Date: FEB 1 1995

Honorable Don Young
U. S. House of Representative
2331 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Young:

Thank you for your December 21, 1994, letter requesting information regarding the salvage sale program on the national forests.

We share your sense of urgency about the salvage situation in the West. We are taking aggressive actions to address the situation. I undertook a Forest Health Initiative this past fall to salvage timber from both the fire areas and areas impacted by insects, disease, and drought.

The Forest Service has a salvage program to address the dead, down, and dying timber resource and the pressing forest health concerns on the national forests. The current policy emphasizes the quick removal of dead and dying timber where it is consistent with local forest plan standards and guidelines. In some areas, factors such as the protection of sensitive habitats or watersheds, the protection of critical habitat, or litigation concerning threatened and potentially threatened species have limited the availability of salvage.

Based upon your request and criteria, the enclosed table shows the volume of timber we anticipate salvaging in the next 2 years in the western regions. These numbers do not project the possibility of additional losses from fires or windstorms. Each region used the best available information in combination with the recently revised salvage sale definition to determine the volumes. That definition is enclosed.

In the tables provided, the regions assumed compliance with all National Environmental Policy Act and National Forest Management Act requirements, watershed thresholds of concern, and standards and guidelines of forest plans. An abbreviations key follows the table for your reference.

Last year, approximately 3.7 billion board feet were damaged by the fires in the West. While there appears to be a large quantity of salvageable material in the national forests, much of this is unavailable because of lack of road



Caring for the Land and Serving People

FS-6200-28b(3/92)

Honorable Don Young

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access, threatened and endangered species requirements, injunctions related to endangered salmon, and other related factors. Specifically, we note that the recent Ninth Circuit Court injunction against new harvesting activities on the northern Idaho forests may significantly impact the forests' ability to salvage the volumes noted in the enclosed table. A 45-day stay of the ordered injunction has been granted by the Court. And, I and Rollie Schmitten, Director, National Marine Fisheries Service, have jointly agreed to completion of the required consultation on nine forest plans (three in Oregon and six in Idaho) before the termination of the Court's stay. However, the Forest Service cannot compute the consequences of that consultations until the decision is delivered to us.

The Southern Region is asking its forests for an assessment of the timber volume and value lost due to process delays associated with salvage sale projects. We would be happy to provide this information to you when the region completes its summary.

We appreciate your concern about the salvage situation in the western forests. It is the Forest Service's intention to move forward aggressively with salvage within the constraints of law, court orders, and budget. We look forward to working with you in addressing forest health issues. If you have any questions regarding the enclosed information please have your staff contact Bill Timko at (202) 205-1688.

Sincerely,



JACK WARD THOMAS
Chief

Enclosures

Salvage Definition

Total Salvage Sale - A timber sale for which an important reason for entry includes removal of disease infested, dead, damaged or down timber. It also includes associated trees for ecosystem improvement or rehabilitation. The sale should include an identifiable salvage component of trees which are: dead; damaged; insect or disease infested; windthrown; or imminently susceptible to insect attack because of drought stress. Further, it may include trees lacking the characteristics of a healthy and viable ecosystem. Consider all this volume as salvage volume and use the salvage sale fund where the above conditions exist.

Partial Salvage Sale - A timber sale where salvage is incidental to the green volume being removed and is not an important reason for entry. The component identified as salvage can be considered for funding by the SSF. The remaining green volume would be funded with appropriated funds.

Region/State Forest	Salvage Reason	Primary Species	FY 1995 Vol (MMBF)	FY 1995 Value (\$)	FY 1996 Vol (MMBF)	FY 1996 Value (\$)
Region 1/MT Beaverhead	b	LP	3.0	570,000	5.0	950,000
Bitterroot	a,b,d*	DF,PP LP	6.0	1,200,000	7.0	1,400,000
Custer	b	DF	1.0	100,000	1.0	100,000
Deerlodge	b	LP	1.0	130,000	1.5	255,000
	b,d*	DF	1.0	130,000	3.5	755,000
Flathead	a	LP	16.0	4,800,000		
	b&c	LP&O			15.0	4,500,000
Gallatin	b,a	LP,DF	1.0	110,000	2.5	285,000
Helena	b	LP	4.0	400,000		
	b	DF			6.0	800,000
Kootenai	a	LP,AF,S	45.0	10,200,000	100.0	22,600,000
	b	LP	55.0	12,400,000		
Lewis & Clark	a	LP	0.9	112,500		
	c	PP	0.1	12,500		
	b	LP	3.0	375,000		
	b&d*	LP			9.0	1,400,000
	* Density Reduction to meet Ecosystem goals.					
Lolo	b	LP	25.0	6,200,000	22.0	5,500,000

Region 1/ID ID Panhandle	b	DF,GF WP	40.0	12,000,000	40.0	14,000,000
Clearwater	b	WP,GF DF	30.0	9,900,000	47.0	16,000,000
Nez Perce 1/	b	DF,GF, LP	25.0	6,700,000	46.0	11,500,000
R1 Total			246.0	63,340,000	291.0	77,340,000

ESTIMATED TIMBER SALVAGE

Region/State Forest	Salvage Reason	Primary Species	FY 1995 Vol (MMBF)	FY 1995 Value (\$)	FY 1996 Vol (MMBF)	FY 1996 Value (\$)
Region 2/WY Bighorn	b	LP	3.7	176,000	3.0	142,000
Shoshone	b	LP	3.5	65,000	5.2	96,000
Med Bow&Route (WY & CO)	b	LP	4.9	366,000	5.8	433,000
Region 2/SD Black Hills	a, c	PP	3.0	923,000	3.0	923,000
Region 2/CO Grand Mesa, X Uncom, Gunn X	d d	ES LP	5.0	50,000	13.0	1,179,000
Rio Grande & San Juan	b b	DF WF	12.5	338,000	12.0	325,000
Arrap, Roos X	b	LP	1.1	100,000	1.3	118,000
Pike, San IsX	b	DF	1.9	259,000	1.4	191,000
White River & Route	b	ES	6.3	714,000	6.3	714,000
Region 2/NE NF's Neb		--	--	--	--	--
R2 total		-	41.9	2,991,000	51.0	4,121,000

ESTIMATED TIMBER SALVAGE

Region/State	Salvage	Primary	FY 1995	FY 1995	FY 1996	FY 1996
Forest	Reason	Species	Vol (MMBF)	Value (\$)	Vol (MMBF)	Value (\$)
Region 4/UT						
Ashley	b	LPP	9.4	1,880,000	9.4	1,880,000
Fishlake	b	ES	1.0	200,000	1.0	200,000
Dixie	b	ES	16.6	2,900,000	11.5	2,300,000
Manti-LaSal	b	ES/PP	2.3	460,000	8.0	1,600,000
Wasatch-Cache, Uinta	b	ES/LPP	10.0	1,420,000	3.8	760,000

Region 4/ID						
Boise 1/	a, b	PP/DF	275.0	110,000,000	90.0	36,000,000
Caribou	b	DF/LPP	5.7	1,140,000	1.6	320,000
Payette 1/	a,b	PP/DF	43.5	12,000,000	115.7	24,900,000
Salmon/ 1/		ES/LPP				
Challis	b	DF/PP	10.1	3,030,000	8.0	2,400,000
Sawtooth 1/	b	DF/LPP	8.3	2,490,000	7.2	2,160,000
Targhee	b	LPP	7.3	1,460,000	4.5	900,000

Region 4/WY						
Bridg-Teton	b	LPP	3.0	600,000	1.5	300,000

Region 4/NV						
Toiyabe	a,b	MC	10.5	2,000,000	6.0	1,200,000
R4 Totals			402.7	139,580,000	268.2	74,920,000

ESTIMATED TIMBER SALVAGE

Region/State	Salvage	Primary	FY 1995	FY 1995	FY 1996	FY 1996	
Forest	Reason	Species	Vol (MMBF)	Value (\$)	Vol (MMBF)	Value (\$)	
Region 5/CA							
Angeles							
Cleveland							
Eldorado	b	PP, WF	11.0	1,200,000	5.0	600,000	
Inyo	b	PP, WF	1.0	100,000	0.5	40,000	
Klamath	X	a	WF, DF	1.0	300,000	17.0	4,500,000
		b	WF, DF	26.0	6,800,000	23.0	6,100,000
Lassen	X	b	PP, WF	65.0	6,600,000	25.0	2,500,000
Los Padres	b	PP, WF	0.2	6,000			
Mendocino	b	WF, DF	3.0	900,000	2.0	600,000	
Modoc	X	b	PP, WF	58.0	4,300,000	0.0	
Six Rivers	b	WF, DF	3.5	100,000	2.0	100,000	
Plumas	b	PP, WF	23.0	600,000	15.0	400,000	
San Ber'dino	b	PP, WF	0.5	2,000	0.5	2,000	
Sequoia	b	PP, WF	9.5	3,400,000	5.0	1,800,000	
Shasta-Tr'ty	b	PP,WF,DF	17.0	5,400,000	20.0	6,300,000	
Sierra	a	PP, WF	17.0	3,300,000			
	b	PP, WF	4.2	800,000	8.0	1,500,000	
Stanislaus	b	PP, WF	10.5	1,000,000	15.0	1,500,000	
Tahoe	X	a	PP, WF	90.0	6,700,000		
	b	PP, WF			5.4	500,000	
LTCMU	X	b	PP, WF	3.0	200,000	7.0	500,000
R5 Totals			343.4	41,708,000	150.4	26,942,000	

ESTIMATED TIMBER SALVAGE

Region/State	Salvage	Primary	FY 1995	FY 1995	FY 1996	FY 1996
Forest	Reason	Species	Vol (MMBF)	Value (\$)	Vol (MMBF)	Value (\$)
Region 6/WA						
Colville	a	DF	6.7	1,000,000	1.0	150,000
	b	DF	.3	75,000	4.5	1,125,000
	c	DF	.1	25,000	.5	125,000
	d (EM)	WL	33.0	6,600,000		
	d (EM)	LP			34.0	5,100,000
Giff Pinchot	b,c	DF	11.0	2,800,000	15.0	3,800,000
Mt Baker-	d	DF	.25	75,000	.25	75,000
Snoqualmie	c	DF	.15	45,000	.15	45,000
	d - Recreational clearings					
Umatilla	b	DF	1.4	200,000	3.8	600,000
Okanogan	a	LP	15.0	1,500,000		
		PP	3.5	1,050,000		
		DF	6.3	1,010,000		
	b	LPP	8.3	224,500	6.8	158,000
		PP	.6	100,000	.2	7,500
		DF			2.4	600,000
Olympic	b	Hemlock	0.10	1,400		
	c	Hemlock	0.40	100,000		
	d (1)	Spruce	0.10	32,500		
	d (2)	DF			1.02	200,500
	d (3)	Cedar	0.02	11,000		
		d(1) Bear damage				
		d(2) Ecosystem management				
		d(3) Theft prevention				
Wenatchee	a	DF/PP/ GF	106	14,300,000	33	4,500,000

Salvage Estimates

Table Key and footnote

1/ Volume on these forests may be affected by the Ninth Circuit Court injunction.

"X" - next to forest name indicates those forests where the salvage volume comprises the majority (more than 50%) of the total volume programmed for harvest in that year.

Salvage reasons:

- a - Fire
- b - Insects or Diseases
- c - Blowdown
- d - Other - as specified

Primary Species

- LP Lodgepole Pine
- LPP Lodgepole Pine
- WP White Pine
- DF Douglas-Fir
- PP Ponderosa Pine
- AF Alpine Fir
- WF White Fir
- GF Grand Fir
- SF Silver Fir
- ES Engelmann Spruce
- SS Sitka Spruce
- MC Mixed Conifer
- WL Western Larch
- MH Mountain Hemlock

ESTIMATED TIMBER SALVAGE

Region/State	Salvage	Primary	FY 1995	FY 1995	FY 1996	FY 1996
Forest	Reason	Species	Vol (MMBF)	Value (\$)	Vol (MMBF)	Value (\$)
Region 6/OR						
Deschutes	a	LP	4.4	440,000		
	b	LP	48.9	6,940,000	50.0	9,400,000
	c	LP	3.0	500,000	15.0	3,400,000
Fremont	b	WF	14.0	800,000	10.0	600,000
	b	PP	1.0	100,000	1.0	100,000
	b	LP	3.0	60,000	1.0	20,000
Malheur	a	PP	3.3	726,000		
		DF	4.5	1,035,000		
	b	PP	20.4	4,488,000	10.0	2,500,000
		DF	30.7	7,061,000	30.0	7,500,000
Mt Hood	a	WF	2.5	630,000		
	b	DF	16.5	7,720,000	16.5	5,450,000
	c	DF	0.1	60,000	7.0	4,200,000
	d	DF	6.6	1,650,000	8.5	2,550,000
		PP	9.9	2,470,000		
		LP	2.0	500,000		
Ochoco	a	WF	0.5	100,000		
		PP	0.2	100,000		
	b	WF	8.4	2,700,000	4.0	1,000,000
		PP	1.6	800,000	1.2	700,000
		DF			3.4	600,000
	c	PP	0.6	300,000	0.5	300,000
	d	PP	2.1	700,000	1.2	600,000
		DF	2.8	700,000		
Rogue River	b	DF	3.0	1,300,000	11.75	5,300,000
Siskiyou	c	DF	.09	45,000	0.10	25,000
	b	DF	0.44	220,000	1.00	500,000
	d	DF	0.17	34,600		
Siuslaw	b	DF	.4	100,000	.4	100,000
Umatilla	a	DF	1.0	100,000		
	b	DF	8.8	1,300,000	11.2	1,700,000
	b	DF, ES	4.8	700,000		

ESTIMATED TIMBER SALVAGE

Region/State	Salvage	Primary	FY 1995	FY 1995	FY 1996	FY 1996
Forest	Reason	Species	Vol (MMBF)	Value (\$)	Vol (MMBF)	Value (\$)
Region 6/OR (cont)						
Umpqua	a	DF	0.07	32,100		
	b	LP	0.03	3,000	0.10	5,000
	b	DF	2.66	1,069,780	2.9	978,000
	c	MH	0.10	42,800		
	c	SRF	0.20	85,600		
	d	DF	0.04	21,000		
Wallowa- Whitman	a	PP	11.2	5,000,000		
	a	DF	4.5	1,300,000		
	a	WF			2.0	570,000
	b	PP	6.7	3,100,000		
	b	DF	7.1	2,100,000	25.0	7,200,000
	b	WF	0.5	142,000	3.5	1,000,000
	b	LPP	2.4	141,000		
	c	PP	0.5	245,000		
	c	DF	1.1	319,000		
	d	LPP	3.6	216,00	4.0	240,000
	d	PP			1.5	90,000
Willamette	a	DF	9.0	1,350,000	0.5	100,000
	c	DF	2.8	1,400,000	3.0	1,500,000
	b	DF	13.2	4,620,000	10.0	3,500,000
Winema	a	PP	11.7	2,100,000		
	b	PP	5.8	1,000,000	24.5	4,900,000
		WF	8.0	600,000	9.0	700,000
		LP	11.0	1,500,000	11.0	1,700,000
	c	PP	0.1	100,000	0	
		LP			4.0	600,000
R 6 Total			501.22	100,016,300	387.4	86,114,000

=====

TITLE II—GENERAL PROVISIONS

EMERGENCY SALVAGE TIMBER SALE PROGRAM

16 USC 1611
note.

SEC. 2001. (a) DEFINITIONS.—For purposes of this section:

(1) The term "appropriate committees of Congress" means the Committee on Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate.

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(2) The term "emergency period" means the period beginning on the date of the enactment of this section and ending on September 30, 1997.

(3) The term "salvage timber sale" means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack. Such term also includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(4) The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to lands within the National Forest System; and

(B) the Secretary of the Interior, with respect to Federal lands under the jurisdiction of the Bureau of Land Management.

(b) COMPLETION OF SALVAGE TIMBER SALES.—

(1) SALVAGE TIMBER SALES.—Using the expedited procedures provided in subsection (c), the Secretary concerned shall prepare, advertise, offer, and award contracts during the emergency period for salvage timber sales from Federal lands described in subsection (a)(4). During the emergency period, the Secretary concerned is to achieve, to the maximum extent feasible, a salvage timber sale volume level above the programmed level to reduce the backlogged volume of salvage timber. The preparation, advertisement, offering, and awarding of such contracts shall be performed utilizing subsection (c) and notwithstanding any other provision of law, including a law under the authority of which any judicial order may be outstanding on or after the date of the enactment of this Act.

Contracts.

(2) USE OF SALVAGE SALE FUNDS.—To conduct salvage timber sales under this subsection, the Secretary concerned may use salvage sale funds otherwise available to the Secretary concerned.

(3) SALES IN PREPARATION.—Any salvage timber sale in preparation on the date of the enactment of this Act shall be subject to the provisions of this section.

(c) EXPEDITED PROCEDURES FOR EMERGENCY SALVAGE TIMBER SALES.—

(1) SALE DOCUMENTATION.—

(A) PREPARATION.—For each salvage timber sale conducted under subsection (b), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) (including regulations implementing such section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations. A document embodying decisions relating to salvage timber sales proposed under authority of this section shall, at the sole discretion of the Secretary concerned and to the extent the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber

sale and the effect, if any, on threatened or endangered species, and to the extent the Secretary concerned, at his sole discretion, considers appropriate and feasible, be consistent with any standards and guidelines from the management plans applicable to the National Forest or Bureau of Land Management District on which the salvage timber sale occurs.

(B) **USE OF EXISTING MATERIALS.**—In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) before the date of the enactment of this Act, a biological evaluation written before such date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale.

(C) **SCOPE AND CONTENT.**—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(2) **REPORTING REQUIREMENTS.**—Not later than August 30, 1995, the Secretary concerned shall submit a report to the appropriate committees of Congress on the implementation of this section. The report shall be updated and resubmitted to the appropriate committees of Congress every six months thereafter until the completion of all salvage timber sales conducted under subsection (b). Each report shall contain the following:

(A) The volume of salvage timber sales sold and harvested, as of the date of the report, for each National Forest and each district of the Bureau of Land Management.

(F) The available salvage volume contained in each National Forest and each district of the Bureau of Land Management.

(C) A plan and schedule for an enhanced salvage timber sale program for fiscal years 1995, 1996, and 1997 using the authority provided by this section for salvage timber sales.

(D) A description of any needed resources and personnel, including personnel reassignments, required to conduct an enhanced salvage timber sale program through fiscal year 1997.

(E) A statement of the intentions of the Secretary concerned with respect to the salvage timber sale volume levels specified in the joint explanatory statement of managers accompanying the conference report on H.R. 1158, House Report 104-124.

(3) **ADVANCEMENT OF SALES AUTHORIZED.**—The Secretary concerned may begin salvage timber sales under subsection (b) intended for a subsequent fiscal year before the start of such fiscal year if the Secretary concerned determines that performance of such salvage timber sales will not interfere with salvage timber sales intended for a preceding fiscal year.

(4) **DECISIONS.**—The Secretary concerned shall design and select the specific salvage timber sales to be offered under subsection (b) on the basis of the analysis contained in the document or documents prepared pursuant to paragraph (1)

July 27

EMERGENCY SUPPLEMENTAL APPROP.

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to achieve, to the maximum extent feasible, a salvage timber sale volume level above the program level.

(5) SALE PREPARATION.—

(A) USE OF AVAILABLE AUTHORITIES.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under subsection (b).

(B) EXEMPTIONS.—The preparation, solicitation, and award of salvage timber sales under subsection (b) shall be exempt from—

(i) the requirements of the Competition in Contracting Act (41 U.S.C. 253 et seq.) and the implementing regulations in the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) and any departmental acquisition regulations; and

(ii) the notice and publication requirements in section 18 of such Act (41 U.S.C. 416) and 8(e) of the Small Business Act (15 U.S.C. 637(e)) and the implementing regulations in the Federal Acquisition Regulations and any departmental acquisition regulations.

(C) INCENTIVE PAYMENT RECIPIENTS; REPORT.—The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 5 U.S.C. 5597 note) shall not apply to any former employees of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph. The Director of the Office of Personnel Management and the Secretary concerned shall provide a summary report to the appropriate committees of Congress, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate regarding the number of incentive payment recipients who were rehired, their terms of reemployment, their job classifications, and an explanation, in the judgment of the agencies involved of how such reemployment without repayment of the incentive payments received is consistent with the original waiver provisions of such Act. This report shall not be conducted in a manner that would delay the rehiring of any former employees under this paragraph, or affect the normal confidentiality of Federal employees.

(6) COST CONSIDERATIONS.—Salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities.

(7) EFFECT OF SALVAGE SALES.—The Secretary concerned shall not substitute salvage timber sales conducted under subsection (b) for planned non-salvage timber sales.

(8) REFORESTATION OF SALVAGE TIMBER SALE PARCELS.—The Secretary concerned shall plan and implement reforestation of each parcel of land harvested under a salvage timber sale conducted under subsection (b) as expeditiously as possible after completion of the harvest on the parcel, but in no case

later than any applicable restocking period required by law or regulation.

(9) EFFECT ON JUDICIAL DECISIONS.—The Secretary concerned may conduct salvage timber sales under subsection (b) notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section.

(d) DIRECTION TO COMPLETE TIMBER SALES ON LANDS COVERED BY OPTION 9.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary concerned shall expeditiously prepare, offer, and award timber sale contracts on Federal lands described in the "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl", signed by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994. The Secretary concerned may conduct timber sales under this subsection notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section. The issuance of any regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) to ease or reduce restrictions on non-Federal lands within the range of the northern spotted owl shall be deemed to satisfy the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), given the analysis included in the Final Supplemental Impact Statement on the Management of the Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl, prepared by the Secretary of Agriculture and the Secretary of the Interior in 1994, which is, or may be, incorporated by reference in the administrative record of any such regulation. The issuance of any such regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) shall not require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(e) ADMINISTRATIVE REVIEW.—Salvage timber sales conducted under subsection (b), timber sales conducted under subsection (d), and any decision of the Secretary concerned in connection with such sales, shall not be subject to administrative review.

(f) JUDICIAL REVIEW.—

(1) PLACE AND TIME OF FILING.—A salvage timber sale to be conducted under subsection (b), and a timber sale to be conducted under subsection (d), shall be subject to judicial review only in the United States district court for the district in which the affected Federal lands are located. Any challenge to such sale must be filed in such district court within 15 days after the date of initial advertisement of the challenged sale. The Secretary concerned may not agree to, and a court may not grant, a waiver of the requirements of this paragraph.

(2) EFFECT OF FILING ON AGENCY ACTION.—For 45 days after the date of the filing of a challenge to a salvage timber sale to be conducted under subsection (b) or a timber sale to be conducted under subsection (d), the Secretary concerned shall take no action to award the challenged sale.

(3) PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND RELIEF PENDING REVIEW.—No restraining

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order, preliminary injunction, or injunction pending appeal shall be issued by any court of the United States with respect to any decision to prepare, advertise, offer, award, or operate a salvage timber sale pursuant to subsection (b) or any decision to prepare, advertise, offer, award, or operate a timber sale pursuant to subsection (d). Section 705 of title 5, United States Code, shall not apply to any challenge to such a sale.

(4) STANDARD OF REVIEW.—The courts shall have authority to enjoin permanently, order modification of, or void an individual salvage timber sale if it is determined by a review of the record that the decision to prepare, advertise, offer, award, or operate such sale was arbitrary and capricious or otherwise not in accordance with applicable law (other than those laws specified in subsection (i)).

(5) TIME FOR DECISION.—Civil actions filed under this subsection shall be assigned for hearing at the earliest possible date. The court shall render its final decision relative to any challenge within 45 days from the date such challenge is brought, unless the court determines that a longer period of time is required to satisfy the requirement of the United States Constitution. In order to reach a decision within 45 days, the district court may assign all or part of any such case or cases to one or more Special Masters, for prompt review and recommendations to the court.

(6) PROCEDURES.—Notwithstanding any other provision of law, the court may set rules governing the procedures of any proceeding brought under this subsection which set page limits on briefs and time limits on filing briefs and motions and other actions which are shorter than the limits specified in the Federal rules of civil or appellate procedure.

(7) APPEAL.—Any appeal from the final decision of a district court in an action brought pursuant to this subsection shall be filed not later than 30 days after the date of decision.

(g) EXCLUSION OF CERTAIN FEDERAL LANDS.—

(1) EXCLUSION.—The Secretary concerned may not select, authorize, or undertake any salvage timber sale under subsection (b) with respect to lands described in paragraph (2).

(2) DESCRIPTION OF EXCLUDED LANDS.—The lands referred to in paragraph (1) are as follows:

(A) Any area on Federal lands included in the National Wilderness Preservation System.

(B) Any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana.

(C) Any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of the enactment of this Act.

(D) Any area on Federal lands on which timber harvesting for any purpose is prohibited by statute.

(h) RULEMAKING.—The Secretary concerned is not required to issue formal rules under section 553 of title 5, United States Code, to implement this section or carry out the authorities provided by this section.

(i) EFFECT ON OTHER LAWS.—The documents and procedures required by this section for the preparation, advertisement, offering, awarding, and operation of any salvage timber sale subject to sub-

section (b) and any timber sale under subsection (d) shall be deemed to satisfy the requirements of the following applicable Federal laws (and regulations implementing such laws):

(1) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(2) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).

(6) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

(7) Any compact, executive agreement, convention, treaty, and international agreement, and implementing legislation related thereto.

(8) All other applicable Federal environmental and natural resource laws.

(j) EXPIRATION DATE.—The authority provided by subsections (b) and (d) shall expire on December 31, 1996. The terms and conditions of this section shall continue in effect with respect to salvage timber sale contracts offered under subsection (b) and timber sale contracts offered under subsection (d) until the completion of performance of the contracts.

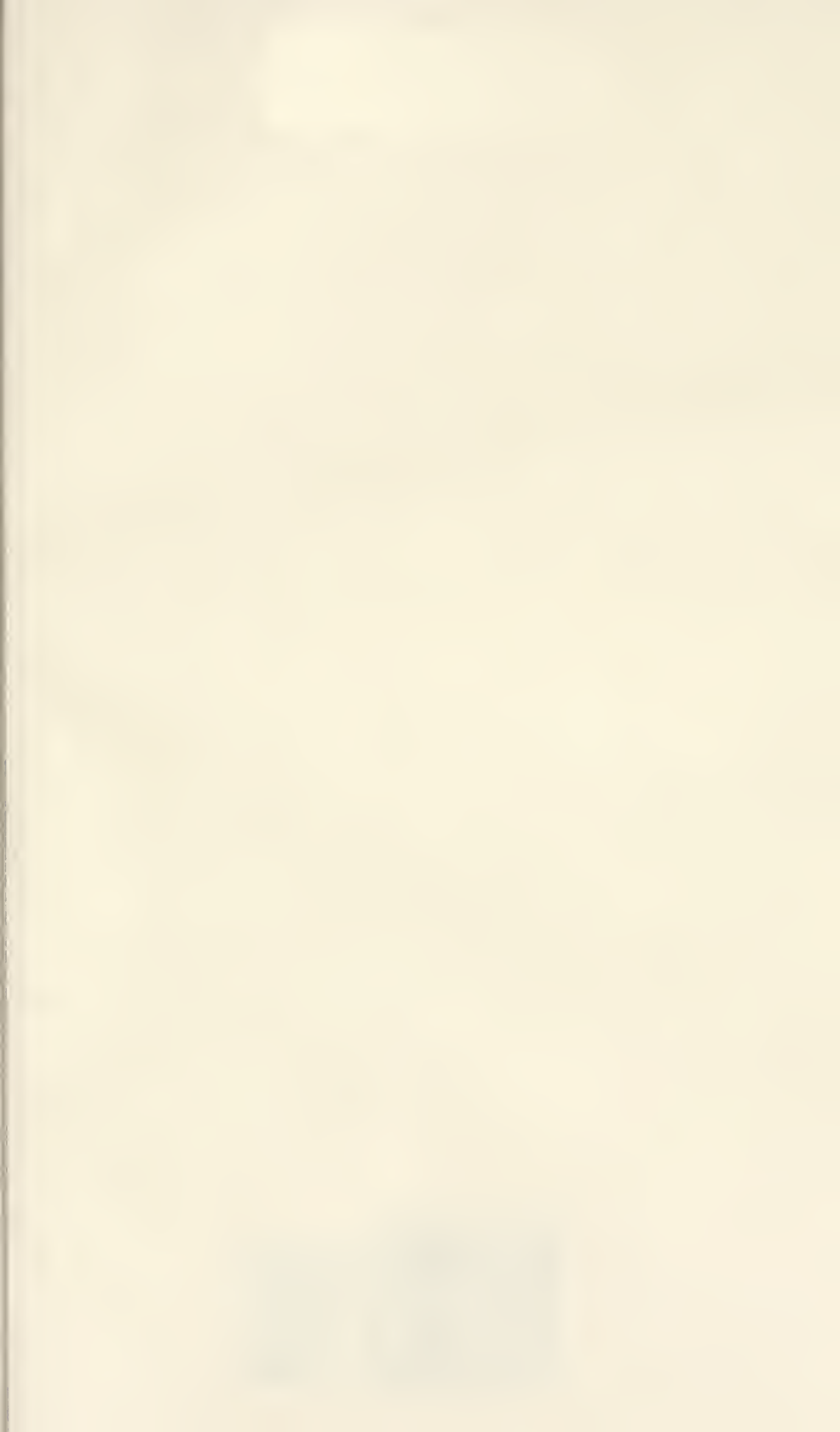
(k) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other provision of law, within 45 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms, volumes, and bid prices, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101-121 (103 Stat. 745). The return of the bid bond of the high bidder shall not alter the responsibility of the Secretary concerned to comply with this paragraph.

(2) THREATENED OR ENDANGERED BIRD SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered bird species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of the enactment of this Act, the Secretary concerned shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract and shall not count against current allowable sale quantities.

(l) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any administrative action, including revisions, amendment, consultation, supplementation, or other action, in or for any land management plan, standard, guideline, policy, regional guide, or multiforest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section, except that any such administrative action with respect to salvage timber sales is permitted to the extent necessary, at the sole discretion of the Secretary concerned, to meet the salvage timber sale goal specified in subsection (b)(1) of this section or to reflect the effects of the salvage program. The Secretary concerned shall not rely on salvage timber sales as the basis for administrative action limiting other multiple use activities nor be required to offer a particular salvage timber sale. No project decision shall be required to be halted or delayed by such documents or guidance, implementation, or impacts.



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